

**JOURNAL OF THE SENATE...1843.**





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THURSDAY, OCTOBER 12, 1843.

AGREEABLY to the provisions of the Constitution, the Senate of the State of Vermont convened, at the State House, in Montpelier, on the second Thursday, being the twelfth day of October, in the year of our Lord one thousand eight hundred and forty-three. In the absence of the Lieutenant Governor, the Senate was called to order by Mr. CLARKE, the Secretary, when the roll was called, and the following Senators answered to their names :

<i>Bennington County</i> .....	BENJAMIN F. MORGAN, LEONARD SARGEANT.
<i>Windham County</i> .....	WILLIAM HARRIS, SANFORD PLUMB, SAMUEL F. THOMPSON.
<i>Rutland County</i> .....	ALANSON ALLEN, ELISHA ALLEN, EBENEZER N. BRIGGS.
<i>Windsor County</i> .....	HAMPDEN CUTTS, SALMON F. DUTTON, ABNER FIELD, JOHN PORTER.
<i>Addison County</i> .....	HARVEY MUNSILL, PETER STARR.
<i>Orange County</i> .....	EBENEZER BASS, ELIJAH FARR, LOREN GRISWOLD.
<i>Chittenden County</i> .....	DAVID READ, LUTHER STONE.
<i>Washington County</i> .....	JACOB SCOTT, WOOSTER SPRAGUE.
<i>Caledonia County</i> .....	GEORGE C. CAHOON.
<i>Franklin County</i> .....	GEORGE GREEN, JONATHAN H. HUBBARD, ALVAH SABIN.
<i>Lamoille County</i> .....	ORION W. BUTLER.
<i>Orleans County</i> .....	DAVID M. CAMP.
<i>Essex County</i> .....	WARNER BINGHAM.

The oath of office was thereupon administered to the Senators present, by the Secretary.

On motion of Mr. Camp, the Senate proceeded to the election of a Pres-



ident *pro tempore*, and, the ballots having been taken and counted, it was found that the

HON. EBENEZER N. BRIGGS,

a Senator from Rutland County, was duly elected, and he, thereupon, was sworn, and took the Chair.

On motion of Mr. Starr, it was

*Ordered*, That the rules of the Senate of last session, be adopted as the rules of this session, until otherwise ordered.

On the nomination of the President, the following Senators were appointed the Committee, on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing:—Messrs. Morgan, Thompson, E. Allen, Porter, Munsill, Farr, Stone, Sprague, Cahoon, Green, Butler, Camp and Bingham; and they were sworn.

Mr. Butler introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in joint assembly this afternoon at 3 o'clock, to hear the report of the Canvassing Committee.

On motion of Mr. Munsill, it was

*Ordered*, That the Secretary inform the House of Representatives that the Senate have organized by the election of the Hon. Mr. Briggs their President *pro tempore*, and are ready to proceed to business.

On motion of Mr. Camp, it was

*Ordered*, That the Secretary cause to be provided for the President, the Secretary, Assistant, and each Senator, one daily and one weekly newspaper, during the session, such as each may designate.

On motion of Mr. Cutts, it was

*Ordered*, That a committee of two Senators be appointed by the President, to wait upon His Excellency the Governor, and inform him that the Senate have met and organized, and are ready to receive any communication he may please to make.

Mr. Cutts and Mr. Butler were appointed by the President to perform that duty.

Mr. Thompson introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that the Secretary of the Senate, and the Clerk of the House of Representatives, procure to be published, in pamphlet form, for the use of the General Assembly, six hundred copies of the Legislative Directory, embracing the Joint Rules, and the Rules of each House.

On motion of Mr. Sprague, the resolution was amended by erasing the word "six," and inserting in lieu thereof the word "four," and thus amended was adopted.

Mr. Cutts, from the select Committee appointed to wait upon the Governor, reported that the Committee had performed the duty assigned to them.

On motion of Mr. Butler, it was

*Ordered*, That the Senate do now proceed to the election of a Secretary, and Assistant Secretary, for the year ensuing.

Whereupon, the ballots were taken and examined, and

D. W. C. CLARKE

was found to be elected Secretary, and

ENOCH DAVIS,

Assistant Secretary, and they were thereupon duly sworn, and entered upon the duties of their office.

Mr. E. Allen presented the petition of Wallis Mott, and the memorial of William L. Sowles and others, praying that Wallis Mott may be admitted to a seat in the Senate.

And the said petition and memorial were severally read and referred to the Committee on Elections.

On motion of Mr. Camp, it was

*Ordered*, That the Senate do now proceed to elect a Chaplain for the year ensuing.

And on taking and counting the ballots, the

REV. GEORGE B. MANSER

was found to be elected.

On motion of Mr. Camp, it was

*Ordered*, That the Senate do now proceed to elect the Committee on Rules and the Committee on Elections.

The ballots having been taken and examined, the following Senators were found to be elected.

*Committee on Rules*—Mr. Camp, Chairman, Messrs. Dutton and Cahoon.

*Committee on Elections*—Mr. Sargeant, Chairman, Messrs. Sprague, and Starr.

On motion of Mr. Butler, it was

*Ordered*, That when the Senate adjourns, it will adjourn to meet at 3 o'clock this afternoon.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives have organized by the election of the Hon. Andrew Tracy, Speaker, and of a Clerk *pro tempore*, and are now ready to proceed to business.

Mr. Phillips, a Senator elect from the county of Caledonia, appeared on the floor of the Senate, presented his credentials, and was sworn and took his seat.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT :—The House of Representatives have, on their part, appointed a Committee to canvass the votes of the freemen of this State for Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

They concur with the Senate in passing the resolution providing for a Joint Assembly to hear the report of the Canvassing Committee.

On motion of Mr. Dutton,

The Senate adjourned.



## AFTERNOON.

Mr. Butler presented the petition of Henry H. Reynolds, praying that he may be permitted to take a seat in the Senate without producing his credentials.

Which was read and referred to the Committee on Elections.

The hour appointed for the meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

Mr. Farr introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at half past 4 o'clock this afternoon, for the purpose of electing a Governor, Lieutenant Governor, and Treasurer for the year ensuing.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing a resolution providing for a Joint Assembly to elect a Governor, Lieutenant Governor and Treasurer, for the year ensuing.

The hour provided for the meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly,

Mr. Cutts introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in County Conventions, on Friday next, at three o'clock P. M., to nominate County Officers, and that both Houses meet in Joint Assembly, on Saturday next, at 10 o'clock A. M., to make the County appointments.

Which was read and passed.

On motion of Mr. Starr,  
The Senate adjourned.

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FRIDAY, OCT. 13, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for County Conventions, and for a

Joint Assembly to make the County appointments, and the resolution providing for the publication of a Legislative Directory.

On motion of Mr. Thompson, it was

*Ordered*, That a Committee of two Senators be appointed to wait upon the Lieutenant Governor elect, and to conduct him to the Chair of the Senate.

Mr. Thompson and Mr. A. Allen were appointed by the President to perform this service.

The following Communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
Oct. 13, 1843. }

SIR :—I have the honor to inform the Senate that the House of Representatives have elected Ferrand F. Merrill their Clerk for the year ensuing.

I am, respectfully,

Your obedient servant,

ANDREW TRACY,

*Speaker of the House of Representatives.*

To the Hon. E. N. BRIGGS,

*President pro tempore of the Senate.*

Mr. Camp, from the Committee on Rules, reported the rules of the last session as the rules of the present session, without amendment.

And the report was accepted, and the rules adopted, as follows :

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.



7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptional words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superceded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Rules,—on Military Affairs,—on Roads and Canals,—on Banks, and on Land Taxes.

17. In the appointment of Standing Committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members neces-

sary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator; and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.



30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be re-considered.

34. No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No persons shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate chamber.

Mr. Thompson, from the select Committee, appointed to wait on the Lieutenant Governor elect, reported that the duty had been performed, and that his Honor had signified his intention to appear in the Senate Chamber, and to take his seat in the Chair of the Senate to-morrow morning at 9 o'clock.

On motion of Mr. Camp,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a bill (H. 5,) entitled “an act regulating the office of Clerk of the House of Representatives,” in which they request the concurrence of the Senate.

(H. 5.) The Senate took up the bill from the House of Representatives entitled “an act regulating the office of Clerk of the House of Representatives,” and it was read the first and second times, and on motion of Mr. Camp, referred to the Committee on the Judiciary.

Mr. Sargeant, from the special Committee appointed to wait on His Excellency the Governor, and inform him of his election, reported that the committee had discharged the duty assigned them.

The following communication was received from His Excellency the Governor :

MONTPELIER, 13th Oct., 1843.

*To the Senate :*

I have the honor to inform you that I propose to take the oaths of office, which the Constitution prescribes for the Governor of this state, at three o'clock this afternoon, in the Executive Chamber, and to make the annual Executive Communication to the General Assembly, at eleven o'clock to-morrow morning.

JOHN MATTOCKS.

On motion of Mr. Camp,

*Ordered,* That the Senate proceed to the election of the Standing Committees.

And the ballots having been taken and counted, the following gentlemen were respectively elected :

*On Finance*—Mr. Camp, Chairman, Mr. Cahoon and Mr. Munsill.

*On Judiciary*—Mr. Briggs, Chairman, Mr. Butler and Mr. Sargeant.

*On Claims*—Mr. Cutts, Chairman, Mr. Farr and Mr. Plumb.

*On Education*—Mr. Dutton, Chairman, Mr. Scott and Mr. Sabin.

*On Agriculture*—Mr. Elisha Allen, Chairman, Mr. Phillips and Mr.

Read.

*On Manufactures*—Mr. Porter, Chairman, Mr. Sprague and Mr. Harris.

*On Military Affairs*—Mr. Alanson Allen, Chairman, Mr. Bass and Mr. Thompson.

*On Roads and Canals*—Mr. Field, Chairman, Mr. Griswold and Mr. Hubbard.

*On Banks*—Mr. Starr, Chairman, Mr. Cahoon and Mr. Stone.

*On Land Taxes*—Mr. Green, Chairman, Mr. Bingham and Mr. Morgan.

Mr. Camp introduced the following resolution :

*Resolved,* That the Committee on the Judiciary be instructed to enquire into the expediency of making provision by law, to give to the Secretary of the Senate the appointment of his assistant, and to make him responsible for his acts.



Which was read and passed.

On motion of Mr. Cutts,  
The Senate adjourned.

SATURDAY, OCT. 14.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The following communication from His Excellency the Governor, was received and read:

*To the Senate:*

I have the honor to inform the Senate that a vacancy has occurred in the first division of the militia of this State, by the discharge of Major General Martin Roberts; that a vacancy has occurred in the first brigade by the discharge of Brigadier General Norman Blackmer, and a vacancy has also occurred in the ninth brigade, by the discharge of Brigadier General Rolland Smith.

JOHN MATTOCKS.

EXECUTIVE CHAMBER, }  
Oct. 14, 1843. }

Mr. Camp introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that a joint Committee of three members of the Senate, and three members of the House of Representatives, be appointed by their respective Houses to report Joint Rules.

Which was read and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General in the first brigade, first Division, of the militia of this State, to supply the vacancy occasioned by the resignation of Brigadier General Norman Blackmer, in which they request the concurrence of the Senate.

The House have, on their part, appointed a Committee from each Congressional District in the State, to count the votes for Representatives in Congress.

The Senate considered the following resolution from the House of Representatives:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at 10 o'clock this forenoon for the purpose of filling the vacancy in the first brigade, first division, of the militia of this state, occasioned by the resignation of Brigadier General Norman Blackmer.

And it was read, and,

On motion of Mr. Butler,  
*Ordered* to lie on the table.

Mr. A. Allen introduced the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of repealing the act entitled an act relating to the punishment of capital crimes, approved November 12, 1842.

Which was read and passed.

Mr. Farr introduced the following resolution :

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of passing an act regulating assignments of property.

Which was read and passed.

Mr. Camp introduced the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of amending chapter 28 of the Revised Statutes, in its provisions for the sale of property attached on mesne process before judgment.

Which was read and passed.

On motion of Mr. Thompson, it was

*Ordered*, That a Committee of three Senators from each Congressional District, be appointed on the part of the Senate, to canvass the votes for Representatives in Congress from this State.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect the Judges of the Supreme Court for the year ensuing, in which they request the concurrence of the Senate.

The resolution from the House of Representatives was taken up and read, as follows :

*Resolved*, by the Senate and House of Representatives, that both Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing Judges of the Supreme Court for the year ensuing.

And on motion of Mr. Butler, it was

*Ordered* to lie upon the table.

Mr. Read presented the following resolution :

*Resolved*, That the Committee on Education be instructed to enquire into the expediency of so modifying the existing laws in relation to Common Schools, as to procure a more equal distribution of the school money among the several school districts in this state, and to encourage the more general attendance of children at our common schools, by providing that no school district shall draw any money, except upon such children therein as attend school at least two months in the year.

Which was read and passed.

Mr. Sargeant called up the resolution from the House of Representatives, providing for a Joint Assembly for the election of a Brigadier General in the first brigade, first division of the militia.

And it was read and passed in concurrence.

Mr. Thompson announced to the Senate that the Lieutenant Governor elect was in attendance, and prepared to take the oath of office prescribed



by the Constitution and laws of the State, and to enter upon the duties of his office.

Whereupon, His Honor, Horace Eaton, the Lieutenant Governor elect, appeared in the Senate Chamber, the oath of office was administered to him by the Secretary, and, having taken the Chair, he addressed the Senate as follows:

*Gentlemen of the Senate :*

In entering upon the discharge of my appropriate duties as your presiding officer, I am not insensible how arduous are the labors which I undertake, or how high the responsibilities which I assume. I am aware, in the first place, that the Chair of this Senate is no resting-place for easy indolence—that it affords no opportunity for the indulgence of roving thoughts or listless inattention. Its occupant, instead of enjoying the quietude of repose, must be constantly on the alert—constantly exercising the most vigilant attention, in order to guard against mistakes, and insure accuracy and despatch in the business of legislation.

But mere industry and mental activity, I am also aware, are not alone a sufficient guarantee for the successful and acceptable discharge of the duties of this station. Although parliamentary rules are founded upon fixed principles, having it for their leading object to ensure the systematic and successful transaction of business ; and although as such, they commend themselves to every man's sense of fitness and propriety ; yet the application of these rules, like the application of all other general principles, may, in a given case, be very difficult and doubtful. Lines which are in some instances clear and distinct, in others become shadowy and uncertain. And hence even he who has attained the highest standard of qualification—who is most familiar with precedents, whose perceptions are most prompt and clear, and whose powers of discrimination are most acute, will at times find himself in a position of no small difficulty—will, at times, find all these high qualifications put in requisition, and perhaps severely taxed, in the decision of questions which may present themselves in the progress of business.

But for myself, gentlemen, I dare not hope to be exempt from errors—errors, too, which it may require much candor and kindness on your part to overlook. Indeed, in view of the embarrassments and responsibilities, and I might add, the painful anxieties, that necessarily cluster around the station which I am called upon to occupy—connected as these must be, with the certainty of errors and deficiencies on my part,—I might well shrink from the task before me.

But there is another and more encouraging aspect, in which the subject presents itself. I recall to mind the fact that I have never seen or known, in this Senate Chamber, a deliberate attempt to embarrass the presiding officer. I remember that on the contrary there has uniformly been exhibited, from every quarter, a manly and generous purpose to aid him in the discharge of his, at best, delicate and difficult duties. Here, even in the free, full and earnest expression of personal and political differences of opinion—in the stern conflict of mind with mind, the love of order, like some guardian genius, has ever reigned predominant ; maintaining its ascendancy over those strong passions and high excitements which are so often concentrated and exhibited in the halls of legislation.

And, gentlemen, the hope which I entertain that this history of the past will prove but the continual history of the future, cheers me somewhat in my undertaking. While I feel conscious that I must depend very much

on your co-operation for anything of success in the discharge of the duties devolving on me, I feel also an undoubting assurance that this co-operation will be generously accorded me.

On my part, gentlemen, I shall aim to treat every member of this body with courtesy, kindness and respect; and shall endeavor at least to guard myself against the faults of impatience or partiality. Towards these errors I could plead for pardon or indulgence with but little grace; and I hope, in these particulars, to give you no just occasion for dissatisfaction.

But I earnestly solicit your kind and generous forbearance towards those errors and failures which may result from inexperience or other deficiencies of qualification. Against errors and failures of this character, no security can be found in honesty of purpose. And, gentlemen, be it understood that I ask from you the kindness I have solicited, not as a mere matter of wonted ceremony—entertaining at the same time a self-confident assurance of my own infallibility—but I ask it because I expect that I shall often, perhaps too often, give you occasion for its exercise.

And now, gentlemen, let us address ourselves to the business of the session, with the manly and patriotic determination that harmony, courtesy and dignity shall characterize our proceedings, and that in all our deliberations the honor and welfare of our State shall be the high and guiding object of our ambition.

The President announced to the Senate his approval of the nomination by the Sergeant-at-Arms, of Zebina C. Camp as Door-Keeper, and Samuel L. Billings as Assistant Door-Keeper to the Senate, and they were severally sworn.

Mr. Plumb presented the petition of Reuben Spaulding and 174 others, citizens of Brattleboro', praying for the repeal of all existing laws in relation to the sale of alcoholic drinks, and for the passing of another law in that behalf;

Which was read and referred to a select Committee of three Senators.

(H. 5.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill from the House of Representatives entitled "an act regulating the office of Clerk of the House of Representatives," reported the same without amendment, with the recommendation that it be permitted to pass.

And it was read the third time and passed in concurrence.

The President announced, as the Committee on the part of the Senate, to prepare and report Joint Rules, Messrs. Camp, Cahoon, and Dutton.

The hour provided by the resolution of the two Houses for a Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

The following message was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed, by the Governor, to transmit to the Senate, the annual Executive Communication to the General Assembly.

The Message of the Governor was thereupon read by the Secretary, and is as follows:



## GOVERNOR'S MESSAGE.

*Fellow Citizens of the Senate and  
of the House of Representatives:*

FIRST of all, as it becomes the agents of a religious people, let us publicly acknowledge the Divine goodness in continuing unto us our liberties, as a state, and as a nation; for the good measure of health enjoyed by the people of this commonwealth, and for the abundant productions of the earth; and ask wisdom from above, that we may fitly perform the duties for which we are assembled.

The legislation of this state has generally been characterized by so much prudence and intelligence, that any advice or caution by me, of a general nature, would be quite superfluous.

The condition of the inhabitants of this state is, upon the whole, probably as good as that of any other people. We are an intelligent, moral and law-abiding people; we have institutions, securing the liberty and rights of the citizens; we have a fertile soil, a healthful and invigorating climate, and industrious habits, which enable us to surpass any other state in the Union, according to our population, in the value of our agricultural productions.

The subject of Education, in all its branches, is of such vital importance to a free people, so intimately connected with the individual welfare of the members of a state, and so indispensable to the very existence of the blessings flowing from free institutions and representative governments, that it is not surprising that it should annually have attracted the attention of both the Legislative and Executive departments.

Common school education is perhaps as generally diffused, among all classes of people in this state, as among any other community, in the United States or elsewhere; yet the system now in operation is far from realizing all the advantages which ought to be expected from it. It is doubtless susceptible of great improvements; and the efforts which have been made in several of our sister states, within a few years, to investigate and obviate numerous evils, and to introduce a greater degree of uniformity and more efficiency in common school instruction, have not been without their beneficial influence. Let us profit by the example of others.

Valuable suggestions on this subject are contained in successive reports, made by legislative committees, during the two past years. Our higher institutions of learning, connected intimately, as they are, with our common schools, and exerting an immense influence upon the intellectual condition of our citizens, ought also to receive the fostering care of the Legislature. No system would be perfect which should exclude these from consideration. Whether the creation of a Board of Education, with the powers and duties contemplated in the legislative report of last year, will not prepare the way for the introduction of great improvements, is submitted for your mature consideration.

The Militia, without which there would be no safety to our government or country, are too apt to receive an annual compliment and then be neglected. Whether the law for the improvement of their condition, which had been prepared with great care, and passed at the last session, will prove useful and satisfactory to that numerous and patriotic body of citizen soldiers, for whose regulation and benefit it was made, I am not able at present to determine; and perhaps there has not been sufficient time, since the passage of the act, to test its utility.

By an act passed at the last session, relating to Capital Punishment, it



is directed that if any person shall commit any crime, which by the law of this state is punishable with death, such person shall be sentenced to solitary confinement in the state's prison, until the punishment of death shall be inflicted; and also, if any person shall hereafter be convicted of any crime, punishable by death, such person shall in like manner be sentenced to solitary confinement, until the sentence of death shall be inflicted. By the act it is further provided, that no sentence of death shall be executed until after one year from the time of passing such sentence, nor until the whole record of the proceedings in such case shall be certified to the Governor; nor until a warrant shall be issued, by the Governor, under the seal of the state, with the record annexed thereto, directed to the Sheriff of the county where the state's prison is situated, commanding said Sheriff to cause execution to be done upon the person, upon whom sentence had been passed. It is understood that there has been one conviction and sentence under this law, which it will be my reluctant duty to pass upon, as the law appears to me to be objectionable.

I cannot believe for a moment that it was the intention of the Legislature, by this act, to prepare the way for the total abolishment of capital punishment, even in cases of murder; for such a measure, in my opinion, would be fraught with evils of a most direful kind:—but this law, which changes in some measure our long established mode of administering criminal justice, may give occasion for a belief in the public mind, that after conviction there will be less certainty of punishment.

Although this statute may be open to some other objections, that part of it which relates to the issuing of a death-warrant by the Governor, is perhaps the most so. It is not sufficiently explicit, to show distinctly, whether it is a mere discretionary power, that he may or may not exercise, after examining the record of conviction, or a duty to be performed as a ministerial officer. If it means the first, it is in effect a power to pardon or commute, which is not given him by the Constitution, and cannot be conferred by the legislature. If it means the last, why impose this ungracious duty upon the Chief Magistrate, who in most governments, and in this to a certain extent, is entrusted with the privilege of releasing from punishment, and not the stern duty of inflicting it. But if he is to order a convict to execution, the most solemn of all official acts, it should be done by express authority of law, and not left to inference or construction. It is submitted to your consideration whether this law should not be repealed, or at least revised.

The sad existence of Slavery in many of the states of this Union, should be the cause of deep humiliation to the moralist, the patriot, and the christian; but the continuance of this ineffable curse in the District of Columbia, and in the Territories, should excite our warmest indignation. There, thousands of human beings are in perpetual bondage; and a slave-market is openly held at the seat of the freest government upon earth. This is a spectacle fit only for tyrants to behold; and to make this state of things not only permanent, but as if also to fasten the awful responsibility of it upon the citizens of the free states, there have not been wanting representatives in the Federal Government, from those states, (happily none from our own,) who have refused, where Congress has clearly the right to act, to let the oppressed go free, and to abolish a traffic, which, by the spirit of the laws even of that government, is ranked with piracy itself. Nay, more: they have silenced remonstrances of sovereign states against these grievous wrongs, and excluded the petitions of the people.



A state may not infringe the compact as it exists on the subject of slavery, any more than other parts of the Constitution. We have all sworn to support that instrument; and to attempt to evade or repeal the oath, by casuistical sophistry as to its binding force, would be neither just nor wise. But whatever legislative powers the states do possess, should be exercised as occasions arise, so as not to give one scruple more of living flesh than the bond requires.

An unhappy decision of the Supreme Court of the United States, made in January, 1842, in the case of *Prigg vs. the State of Pennsylvania*, it is believed will occasion some danger to free colored people who may be found in this state. In that case it is understood to have been decided that the Federal Government have an exclusive right to regulate the mode in which the claim of a master over his fugitive slave shall be made; that Congress has already exercised that right, in a perfectly constitutional manner, through the law of 1793; that all legislation on the part of the several states, which directly or indirectly limits or restrains the right of recovery of fugitive slaves, is entirely null and void; that no state can pass a law in any way interfering with the power of summary removal from its territory of an individual claimed as a fugitive slave,—provided that this power be exercised under the sanction of the United States Courts; but it is not obligatory upon any state to suffer its own magistrates to exercise the same power.

The law of Congress of 1793 confers the same power upon state magistrates as that given to judges of the United States Courts, and upon that statute the Court says, that their magistrates may, if they choose, exercise the authority thus conferred, “unless prohibited by state legislation.” This decision is at present the law of the land, and the danger is, that among our great number of magistrates, some may be found who are not well informed as to their duty, and may act unadvisedly, and thus, upon a false claim, consign some unfortunate being forever to hopeless slavery,—for from the decision of the magistrate there is no appeal.

I therefore recommend to the legislature to pass a law prohibiting all magistrates, acting under the authority of this state, from taking cognizance of, or acting under, the act of Congress passed the 12th July, 1793, relating to fugitive slaves, or any other law that may be passed of similar import. This would seem from the aforesaid decision to be perfectly constitutional and proper, and indeed almost invited by the court, by the language before quoted. By such an act, the evil consequences of the decision may in some degree be mitigated.

I also recommend a law prohibiting all executive officers of the state from arresting, or detaining in jail, any person who is claimed as a fugitive slave; believing this to be a proper mode of exhibiting the determination of this state to do no act, which she may constitutionally omit to do, to countenance the institution of slavery. The commonwealth of Massachusetts has recently passed such a law, and the example is believed to be worthy of imitation. If the passing of the statute proposed shall incidentally tend to prevent the recapture of fugitive slaves, may we not well exclaim in its defence, in the language of the sage of Monticello—“shall distressed humanity find no asylum!”

There are strong reasons for anticipating that an attempt will very soon be made to annex the Republic of Texas to the United States, as well for the purpose of creating a perpetual market for slaves, as, from that large territory, to carve out slave states enough to give a preponderancy in the



Union to the slave power. If such an attempt shall succeed, then woe betides our unhappy country. Who then can hope that the wrath of Heaven can be longer restrained?

I have spoken perhaps too freely upon this exciting subject; but at the capitol of Vermont, unlike that at Washington, there is liberty of speech upon all public topics.

In our expenditures the utmost economy that is consistent with the maintaining and promotion of the public interests, should be constantly practised. The just medium between parsimony and extravagance, in public transactions, it is not always easy to discover, and it is to be found only by the good sense of those who make the laws; and this was one reason why our Constitution declares that the House of Representatives, which originates all appropriation bills, shall consist of men most noted for wisdom, as well as virtue. In this state, where the only permanent source of revenue is direct taxation, profuseness of the people's money should be carefully avoided.

It appears by the Report of the Auditor in the Treasury, that the State School Fund amounts to \$200,234 95, and that of this sum \$173,154 is due to the fund from the state, and the remaining \$26,080 95 is due from individuals on loans. In one view, the state is in debt in the first sum; and in another view, it is a creditor in the last sum. The Auditor of Accounts has given very cogent reasons why the debt of the state to the fund ought to be cancelled; and if those reasons appear to the General Assembly, as they do to me, convincing and unanswerable, the debt will, as the fund is under the control of the state, be cancelled.

That a Tariff of duties upon importations, sufficient to supply all the reasonable wants of the National Government, and shaped with a substantive and *bona fide* intention to give adequate protection to home industry, is absolutely necessary for the true independence and prosperity of the country, is believed to be a fundamental political truth, which ought on all suitable occasions to be proclaimed. It is a doctrine, too, which should be put forth in no ambiguous terms, but ought distinctly to embrace the idea of protection for the sake of protection, that thus there may be but two sides to the question, and no cover for hypocrisy on either.

The last Congress found that the sliding scale of the Compromise Act had descended so low that the revenue was not sufficient to support the Government; and that the low rate of duties had caused excessive importations of foreign goods, and consequently immense indebtedness and large remittances of specie abroad, while at home the results were, great injury to our manufacturers, as well as to those who furnish materials, labor and subsistence, and an almost universal depression of the business of the country. In this state of things, the majority of that Congress undertook to enact a new, and it was hoped, a better Tariff; and after the strong opposition of the great body of the minority, and with the reluctant votes of a small number of that minority, the present Tariff was passed. Although it is but about a year since its passage, its operation has already been most beneficial. Business is now uncommonly active in the commercial cities; the important manufactories are in lively operation; the demand for the great staple of our state is revived, and the price has somewhat increased; and it is believed that if the present Tariff can survive the attacks of its opponents in the next Congress, the business of the country will be in a permanent state of prosperity, and, consequently, our agricultural productions in good demand.



If, as has been alledged, it shall turn out that the protection afforded to every interest, except that which is peculiarly our own, is too high, while the protection to that is inadequate, it is surely consolatory to reflect, that the portion of the people, from whom this complaint arises, may control the majority in the next Congress; and I may add, reasonable to expect, that that majority will raise the duty on wool to the necessary point. The correctness of this expectation, however, time will determine.

It should be remembered that the present Tariff was not secured without a great sacrifice. The overweening opinions of the President, and the opposition of the minority in Congress, compelled the postponement, and perhaps the final loss, of the distribution of the proceeds of the sales of the public lands among the several states, to which they have a just right. This was done, lest the want of a sufficient revenue should oblige Congress to pass a Tariff highly protective; thus inflicting upon the states a double injury—the loss of their portion of the money accruing from the sales of the public lands, and the risk of having the present Tariff demolished or impaired. While we have yielded to the necessity of suspending the Land Distribution, in order to secure Protection, I conceive it to be our duty constantly to insist upon Distribution, as a measure which cannot be denied without trampling upon the sacred rights of the states.

I have thus used the common privilege of every citizen to speak upon some of the questions of national policy which now engage the attention of the public, meaning of course no disrespect to those who entertain different views. My opinions may be of small value, yet frankness requires that they should not be withheld.

I thank you most cordially for the honor you have conferred upon me, and I will assiduously co-operate with you in promoting such measures for the good of the people as your collective wisdom may devise, and aid you, so far as it is my province, in bringing the session to a close with all convenient despatch.

JOHN MATTOCKS.

EXECUTIVE CHAMBER, }  
Montpelier, 14th Oct., A. D. 1843. }

On motion of Mr. Briggs, it was

*Ordered*, That the Message from His Excellency the Governor, just read, be laid upon the table, and that the Secretary procure 300 printed copies thereof for the use of the Senate.

(S. 1.) Mr. Briggs introduced a bill entitled “an act relating to the Judiciary.”

Which was read the first time, and, on his motion,

*Ordered* to lie upon the table.

Mr. Griswold introduced the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to enquire into the expediency of amending section 53 of the “act relating to the militia,” approved Nov. 12, 1842, so that it shall read as follows:—“The non-commissioned officers and clerks of companies shall be elected by the officers and privates of the respective companies, from their own ranks.”

Which was read and passed.

On motion of Mr. Briggs,  
The Senate adjourned.

## AFTERNOON.

The President announced his appointment of Mr. Thompson and Mr. Scott, as the Committee on Bills.

On the nomination of the President, the following Senators were appointed the Committee on the part of the Senate to canvass the votes for Representatives to Congress :

Mr. A. Allen, Mr. Morgan and Mr. Thompson, from the First District.  
Mr. Porter, Mr. Farr and Mr. Cutts, from the Second District.  
Mr. Read, Mr. Munsill and Mr. Hubbard, from the Third District, and  
Mr. Camp, Mr. Cahoon and Mr. Butler, from the Fourth District.

The President announced the appointment of Mr. Plumb, Mr. Butler and Mr. Sabin, as the select Committee directed to be raised on the petition of Reuben Spaulding and others.

(S. 1.) The Senate took up the bill on the table, entitled "an act relating to the Judiciary."

And it was read the second time and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution providing for a Committee to report Joint Rules, and have, on their part, appointed Mr. Everett, Mr. Vilas, and Mr. Whittemore, to join the Committee of the Senate.

Mr. Butler introduced the following resolution :

*Resolved*, That so much of the Governor's message as relates to repealing and modifying "an act relating to the punishment of capital crimes," approved November 12, 1842, be referred to a select Committee of three.

And it was read and passed.

Mr. Sargeant, from the Committee on Elections, to whom had been referred the petition of Wallis Mott, and the memorial of William L. Sowles and others, relating to the seat of a Senator for the County of Grand Isle, reported that Wallis Mott was duly elected by the freemen of that County, on the first Tuesday of September last, to represent them in the Senate, and recommended the adoption of the following resolution :

*Resolved*, That Wallis Mott, of the County of Grand Isle, was, on the first Tuesday of September last, duly elected a Senator for the County of Grand Isle, and, as such, is entitled to a seat in this Senate.

The question being, Shall the resolution pass ?

On motion of Mr. Farr, it was

*Ordered*, That the same lie upon the table, and be made the special order for Monday morning next, at 10 o'clock.

On motion of Mr. Briggs,

The Senate adjourned.



MONDAY, OCT. 16, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Cutts introduced the following resolution:

*Resolved*, That the several subjects to which the attention of the Senate has been called by the Governor's Message, be referred in the following manner:—So much as relates to a Protective Tariff and the Distribution of the Proceeds of the Public Lands, to a select Committee of three Senators; so much as relates to the subject of Education, to the Committee on Education; so much as relates to the State School Fund, to the Committee on Finance; so much as relates to the Militia, to the Committee on Military Affairs; and so much as relates to Slavery, and the annexation of Texas to this Union, to a select Committee of three Senators.

Which was read and passed.

Mr. Sprague introduced the following resolution:

*Resolved*, That a select Committee on the Grand List be raised and instructed to enquire into the expediency of so amending the existing listing laws of this State, as to require the listers in the several towns where banks and other corporations are located, to set in the list all notes and other obligations due them, over and above their capital stock actually paid in, in the same manner as though owned by individuals.

Which was read and passed.

The following Communication was received from the Governor, by the hands of Mr. Hale, Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }  
Oct. 16, 1843. }

*To the Senate:*

I have the honor to inform you that I have appointed Mr. Henry Hale of Burlington, to be Secretary of Civil and Military Affairs, for the ensuing political year.

JOHN MATTOCKS.

The President announced the appointment of Mr. Butler, Mr. Starr and Mr. Read, as the select Committee directed to be raised on that portion of the message of the Governor which relates to the subject of Capital Punishment.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General of the ninth brigade of the militia of this State, and a resolution relative to pensions to widows of Revolutionary officers and soldiers, in passing each of which resolutions, they request the concurrence of the Senate.

A resolution from the House of Representatives was taken up and read as follows:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing a Brigadier General of the ninth brigade, in the mili-

tia of this State, to supply the vacancy occasioned by the resignation of Brigadier General R. Smith.

And it was passed in concurrence.

The following resolutions from the House of Representatives were taken up :

*Resolved*, by the Senate and House of Representatives, that our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law of Congress to continue in force for five years the act of Congress of 1838, granting pensions to widows of revolutionary officers and soldiers who were married prior to January 1794.

*Resolved*, That the Governor be requested to furnish each of our delegates in Congress with a copy of the foregoing resolution.

And the said resolutions were read, and,

On motion of Mr. Cahoon,

*Ordered* to lie upon the table.

(S. 2.) Mr. Briggs introduced a bill entitled "an act in relation to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

And it was read the first and second times and referred to the Committee on the Judiciary.

The Senate, on motion of Mr. Briggs, took up the special order of the day, being the resolution reported by the Committee on Elections, relative to the right of Wallis Mott to a seat in the Senate.

And the question being, Shall the resolution pass?

Pending this question,

On motion of Mr. Camp,

The Senate adjourned.

## AFTERNOON.

The Senate resumed consideration of the unfinished business on the table, being the resolution reported by the Committee on Elections, relative to the right of Wallis Mott to a seat in the Senate.

Mr. Butler moved that the report and resolution be re-committed to the Committee on Elections, with instructions to make a special report of the facts.

And on this question, the yeas and nays, having been demanded by Mr. Butler, are as follows :

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—9.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—20.



So the motion was lost.

And the question recurring, Shall the resolution pass? the yeas and nays, having been demanded by Mr. Sprague, are as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Briggs, Cahoon, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—21.

Those Senators who voted in the negative are,

Messrs. Bass, Bingham, Butler, Farr, Griswold, Phillips, Scott and Sprague—8.

So the resolution was passed.

Mr. Mott, whose right to a seat was thus established, thereupon appeared on the floor of the Senate, the oath of office was administered to him by the Secretary, and he took his seat.

Mr. Starr introduced the following resolution:

*Resolved*, That Henry H. Reynolds, Esquire, an applicant for a seat in this Senate, from the County of Grand Isle, against whose right to a seat a decision of the Senate has now been made, be entitled to his per diem pay, and his travel, as a member, to the present time.

And it was read and passed.

Mr. Sargeant, from the Committee on Elections, to whom had been referred the petition of H. H. Reynolds, praying to be admitted to a seat in the Senate, reported that the prayer of the petition ought not to be granted, and recommended that the petitioner have leave to withdraw the same.

The report was accepted, and the leave granted.

Mr. Thompson, from the Committee on Bills, reported that they had this day submitted to the Governor, for his consideration, the bill (H. 5,) entitled, "an act regulating the office of Clerk of the House of Representatives."

On motion of Mr. E. Allen.

The Senate adjourned.

TUESDAY, OCT. 17, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 3.) Mr. Munsill introduced a bill entitled "An act in amendment of chapter 28 of the Revised Statutes, relating to the arrest of debtors."

And it was read the first and second times and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed the fol-

lowing resolutions, in each of which they request the concurrence of the Senate:

A resolution providing for a Joint Assembly to elect an Auditor of Accounts and an Auditor in the Treasury Department.

A resolution providing for a Joint Assembly to elect a Sergeant-at-Arms; and

A resolution providing for a Joint Assembly to elect a Major General of the first division of the militia of this State.

(H. 5.) The Governor has announced to the House of Representatives that he did, on the 16th instant, approve the bill entitled "an act regulating the office of Clerk of the House of Representatives.

The President announced the appointment of the following Committees on the resolution of Mr. Cutts, referring certain portions of the Governor's message:

On that portion which relates to Slavery and the annexation of Texas to the Union, Messrs. Sabin, Griswold and Munsill.

On that portion which relates to the Tariff and the Distribution of the Proceeds of the Public Lands, Messrs. Cutts, Morgan and Phillips.

The President further announced, as the select Committee on the Grand List directed to be raised by the resolution of Mr. Sprague, Messrs. Sprague, Porter and Stone.

Mr. Camp, from the Joint Committee of the two Houses on Joint Rules, made the following report:

*To the Senate:*

The Committee appointed to prepare Joint Rules for the Senate and House of Representatives, have attended to that duty, and report the Joint Rules of the last session, with the following amendments, to wit:

1. Add to the second rule the words, "but shall not be reported to the Senate or House of Representatives, nor published in either of their Journals, unless specially so ordered, by joint resolution of both Houses."

2. Insert the following immediately after rule 4:—"A joint Committee of three Senators and three Representatives, shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor, for the use of the General Assembly, who shall report thereon to that House from which they were received."

D. M. CAMP, for Committee.

And the report was adopted, and the amendments proposed by the Committee passed.

Mr. Scott introduced the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to enquire into the expediency of providing by law, that the polls of field and staff officers be exempted from all taxes whatever excepting highway taxes.

And it was read and passed.

Mr. Cahoon called up the resolution from the House of Representatives on the table, relative to pensions for widows of revolutionary officers and soldiers, and proposed to amend the same by striking out all after the word "passage," and inserting in lieu thereof, the words "of an act extending the privileges of the laws granting pensions to the widows of revolutionary officers and soldiers to all such as now are, or may hereafter become widows of such officers and soldiers, whose marriage took place prior to



the year 1800, during the natural life of such widow; and that the Governor communicate a copy of this resolution to the President of the United States, and to each of our Senators and Representatives in Congress."

And the amendment proposed was adopted.

And the resolution, thus amended, was passed in concurrence.

Mr. Griswold introduced the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of passing a law authorizing town clerks to take the acknowledgement of deeds in their respective towns.

And it was read and passed.

The resolutions from the House of Representatives providing for three several Joint Assemblies on Thursday next, at 10 o'clock A. M., for the purpose of electing an Auditor of Accounts, and an Auditor in the Treasury Department; a Sergeant-at-Arms for the year ensuing, and a Major General of the first division in the militia of this State, were severally taken up, and read and passed in concurrence.

Mr. Briggs introduced the following resolution:

*Resolved*, That the Committee on Elections be instructed to enquire into the expediency of making further provision by law to prevent frauds in elections, and limiting the time of balloting to the first Tuesday of September.

And it was read and passed.

(S. 2.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" reported the same, with the following proposals of amendment, to wit:

From section 3 strike out the words "or the crime of adultery," and add as follows: "Section 7. This act shall take effect from and after its passage."

The proposed amendments were severally adopted, and the bill, as amended,

*Ordered* to be engrossed and read the third time to-morrow morning.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the report of the Joint Committee of the two Houses on Joint Rules, and have adopted the same, with an amendment, in which they request the concurrence of the Senate.

The Senate took up the amendment of the House of Representatives to the Joint Rules as reported by the Joint Committee, it being to strike out from Rule 2d the following words: "but shall not be reported to the Senate or House of Representatives, nor published in either of their Journals unless specially so ordered by joint resolution of both Houses."

The question being, Will the Senate concur in adopting the amendment proposed?

On motion of Mr. Starr, it was

*Ordered* to lie upon the table.

On motion of Mr. Munsill,

The Senate adjourned.

## AFTERNOON.

Mr. Briggs called up the amendment proposed by the House of Representatives to the Joint Rules reported by the Joint Committee of the two Houses, and the question being, Will the Senate concur with the House in adopting the proposed amendment?

The yeas and nays, being demanded by Mr. Camp, were as follows :

Yeas—None.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Briggs, Butler, Cahoon, Camp, Cutts, Farr, Green, Griswold, Harris, Hubbard, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—26.

So the Senate unanimously refused to concur.

(S. 1.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act relating to the Judiciary," reported the same without amendment, with the recommendation that it be permitted to pass ; and it was

*Ordered* to be engrossed and read the third time to-morrow afternoon.

On motion of Mr. Scott,

The Senate adjourned.

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WEDNESDAY, OCT. 18, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Thompson presented the petition of Newell Sargeant, and of Lucius H. Cathan, praying for the passing of an act altering their names, respectively, and they were

*Ordered* to be referred to a select committee of three Senators.

Mr. Camp introduced the following resolution :

*Resolved*, by the Senate and House of Representatives, that the Secretary and Clerk who have heretofore been directed to procure a Legislative Directory, do now proceed, forthwith, to execute that order, omitting the Joint Rules from such Directory.

And it was read and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives insist upon their pro-



posed amendment to the Joint Rules reported by the Committee of the two Houses.

They concur with the Senate in the amendment proposed to the resolution relative to pensions of widows of revolutionary officers and soldiers; and

They have passed a resolution relating to the fees and mileage of Members of Congress, in which they request the concurrence of the Senate.

(S. 2.) The engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" which had been ordered to be read the third time this morning, was taken up;

And it was read the third time.

Mr. Read moved to amend the same by striking out section 4, and that it be committed to a Senator for that purpose.

Pending this motion,

On motion of Mr. Cahoon, the bill was

*Ordered* to lie upon the table.

The Senate took up the amendment to the Joint Rules, in which the House of Representatives had resolved to insist.

Mr. Cahoon moved that the Senate do recede from their disagreement to said amendment.

Pending this question, the hour provided by a joint resolution of the two Houses, for a meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly, resumed consideration of the amendment proposed by the House of Representatives, to the Joint Rules reported by the Joint Committee of the two Houses.

The question being, Will the Senate recede from their disagreement to the amendment?

The yeas and nays, being demanded by Mr. Camp, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Briggs and Cahoon—2.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Butler, Camp, Farr, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Plumb, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—26.

So the Senate resolved not to recede from their disagreement.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to communicate to the Senate certain resolutions of the Legislatures of Massachusetts and New Jersey, for the use of the General Assembly; and to inform the Senate that he has transmitted to the House, for the same purpose, certain resolutions of the Legislatures of Georgia, Alabama and Illinois.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the Joint Rules of the two Houses, in which they request the concurrence of the Senate.

The resolution from the House of Representatives, relative to Joint Rules, was read as follows:

*Resolved*, by the Senate and House of Representatives, that the Joint Rules of the Senate and House of Representatives of last session, be the rules of the Joint Assembly of the present session, until others are adopted.

And, on motion of Mr. Sargeant, it was

*Ordered* to lie upon the table.

On motion of Mr. Camp,

The Senate adjourned.

## AFTERNOON.

The President announced the appointment of Edward B. Chamberlain as a Messenger in the Senate.

Also the appointment of Messrs. Thompson, Mott and Bingham, as the select Committee on the petition of Newell Sargeant and Lucius H. Cathan.

The following communication, received this morning from His Excellency the Governor, was read:

*To the Senate:*

I have the honor to inform you that Daniel Baldwin, of Montpelier, declines to accept the office of jail commissioner for the County of Washington, to which he has been elected by the Joint Assembly for the ensuing political year.

JOHN MATTOCKS.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives do not concur with the Senate in passing the resolution providing for the publication of a Legislative Directory.

The resolutions transmitted this morning, by His Excellency the Governor, from the Legislatures of the States of Massachusetts and New Jersey were read; and those referring to an amendment of the Constitution of the United States, and those referring to the annexation of Texas to this Union, were

*Ordered* to lie upon the table.

Those resolutions relating to the Repudiation of State Debts, and those concerning French depredations on American commerce previous to the Convention of 1800, were referred to the Committee on the Judiciary.

The Senate further considered the amendment proposed by the House to the Joint Rules reported by the Committee of the two Houses, and

*Resolved* to insist on their disagreement to the same.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:



MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate the report of the Auditor in the Treasury, on the School Fund, and a message in writing.

The message from the Governor was read as follows:

*To the Senate:*

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the second brigade, by the resignation and honorable discharge of Brigadier General Amos C. Kellogg.

JOHN MATTOCKS.

The report of the Auditor in the Treasury, on the School Fund, was read and referred to the Committee on Finance.

(S. 4.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the resolution relative to repealing the law relating to capital punishments, reported a bill entitled "an act to repeal an act entitled an act relating to capital punishments."

And it was read the first and second times, and referred to the select Committee directed to be raised on that portion of the Governor's message which refers to the subject of repealing or revising the act relating to capital punishments.

Mr. Butler, from the Committee on the Judiciary, to whom had been referred the resolution relative to authorizing the Secretary of the Senate to appoint his Assistant, reported that, in the opinion of the Committee, no action of the Senate is necessary in the premises.

Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the resolution relative to extending the authority of town clerks, reported that, in the opinion of the Committee, no legislative action is required.

(S. 2.) The Senate, on motion of Mr. Briggs, took up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" and, on his motion,

It was committed to Mr. Read, a Senator, to be amended by striking out the fourth section thereof; who reported the same, so amended, and it was

*Ordered* to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have resolved to adhere to their amendment to the Joint Rules, reported by the Committee of the two Houses.

The Senate thereupon further considered the proposed amendment to the Joint Rules.

Mr. Briggs moved to lay the report and amendment upon the table.

Which motion was lost.

And the question being, Will the Senate adhere to their disagreement?

The yeas and nays, being demanded by Mr. Butler, are as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Butler, Camp, Cutts, Farr, Field, Green, Griswold, Hubbard, Morgan, Munsill, Phillips, Porter, Read, Sabbin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—22.

Those Senators who voted in the negative are,

Messrs. Briggs and Mott—2.  
So the Senate resolved to adhere.

On motion of Mr. Thompson,  
The Senate adjourned.

THURSDAY, Oct. 19, 1843.

Prayer by the Reverend Mr. Merrill.

The journal of yesterday was read and approved.

The following communication was received from His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs:

*To the Senate :*

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the sixth brigade, by the resignation and discharge of Brigadier General Shubael B. Flint.

JOHN MATTOCKS.

(S. 5.) Mr. Farr introduced a bill entitled "An act relating to assignments."

And it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT :—The House of Representatives have passed a resolution relating to Joint Rules; and a resolution providing for a Joint Assembly to elect a Brigadier General of the second brigade in the militia of this State, in passing each of which resolutions they request the concurrence of the Senate.

The resolution from the House of Representatives, adopting the Joint Rules of the last session, with certain amendments, as the Rules of the Joint Assembly of the present session, was taken into consideration.

Mr. Camp moved to lay the resolution on the table, and it was so ordered.

Mr. Briggs called up the resolution from the House of Representatives relative to Joint Rules of the two Houses, which was read yesterday morning, and ordered to lie upon the table.

Mr. Camp moved to amend the same by adding to it as follows:

"With the following amendments, to wit: add to Rule 2 the following words: "but shall not be reported to the Senate or House of Representatives, nor printed with either their Journals, unless specially so ordered by a joint resolution of both Houses;" and insert the following:—"Rule 5. A joint Committee of three Senators and three Representatives shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor for the use of



the General Assembly, who shall report thereon to that House from which the same were received."

And pending this question, at ten minutes before 11 o'clock,

A message was received from the House of Representatives, by Mr. Grandy, a member thereof, as follows:

MR. PRESIDENT:—I am directed by the House of Representatives to remind the honorable Senate that by a joint resolution of both Houses a Joint Assembly was ordered for 10 o'clock this morning; and also to inform them that the House are ready on their part to join in said Assembly.

The question before the Senate being, Will the Senate amend the resolution from the House? as proposed by Mr. Camp,

The yeas and nays, being demanded by Mr. Camp, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Butler, Camp, Farr, Phillips and Scott—5.

Those Senators who voted in the negative are,

Messrs. A. Allen, Bass, Bingham, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sabin, Sargeant, Stone and Thompson—20.

So the Senate refused to amend as proposed.

Mr. A. Allen moved to amend by adding the words "until the 22d instant."

And the motion was lost.

The question recurring, Will the Senate concur in passing the resolution?

The yeas and nays, having been demanded by Mr. Briggs, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Mott, Munsill, Porter, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,

Messrs. A. Allen, Butler, Camp, Farr, Morgan, Phillips and Scott—7.

So the Senate resolved to concur.

A resolution from the House of Representatives, providing for a Joint Assembly to elect a Brigadier General of the second brigade, was read, and,

On motion of Mr. Munsill,

Ordered to lie upon the table.

Mr. Farr introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at three o'clock this afternoon, to elect a Brigadier General in the 6th brigade in the 2d division of the militia of this State, to fill the vacancy occasioned by the resignation of Brigadier General Shubael B. Flint.

And it was read, and passing refused.

On motion of Mr. Thompson,

The Senate adjourned.

## AFTERNOON.

(S. 4.) Mr. Read, from the select Committee appointed on that portion of the message of the Governor which relates to repealing or revising the act relating to capital punishment, to whom had been referred the bill entitled "an act to repeal an act relating to capital punishment," reported a bill (S. 6,) entitled "an act to repeal an act relating to the punishment of capital crimes."

And it was read the first and second times, and,

On motion of Mr. Butler,

Ordered to lie upon the table.

(S. 7.) Mr. Camp introduced a bill entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And it was read the first and second times, and,

On motion of Mr. Camp,

Referred to the Committee on Elections.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General of the sixth brigade of the militia of this State, in which they request the concurrence of the Senate.

(S. 1.) Mr. Briggs called up the engrossed bill entitled "an act relating to the Judiciary."

And it was, on motion of Mr. Cahoon, considered by the Senate as in Committee of the whole.

Having made progress in the consideration of said bill, the Committee rose, and asked leave to sit again.

Which leave was granted.

The resolution from the House of Representatives, providing for a Joint Assembly to elect a Brigadier General of the sixth brigade in the militia of the State, on Tuesday next, at 10 o'clock A. M., was read and passed in concurrence.

On motion of Mr. Briggs,

The Senate adjourned.

FRIDAY, OCT. 20, 1843,

Prayer by the Chaplain.

The journal of yesterday was read and approved.



Mr. E. Allen presented the petition of the Trustees of the Troy Conference Academy, praying for an amendment of their act of incorporation.

And it was read and referred to the Committee on Education.

(S. 8.) Mr. Scott introduced a bill entitled "an act relating to the settlement of estates."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 9.) Mr. Farr introduced a bill entitled "an act providing for a registry of voters."

And it was read the first and second times and referred to the Committee on Elections.

(S. 2.) Mr. Briggs called up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" and,

On his motion, it was recommitted to the Committee on the Judiciary,

Mr. A. Allen presented the following resolution:

*Resolved*, by the Senate and House of Representatives, that the State Treasurer be permitted to take from the State Library such books as may be necessary for his use in his office, and the Librarian is hereby directed to furnish him with such books as he may call for, if in said Library; provided that the Treasurer retain no book for more than sixty days at any one time, and that all such books shall be returned to said Librarian on or before the second Tuesday in October of each year.

And it was read and referred to the Committee on Education.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has transmitted to the House of Representatives, for the use of the General Assembly, the report of the Superintendent of the Vermont State Prison, with accompanying documents.

Mr. Harris presented the following resolution:

*Resolved*, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly on Tuesday next at 10 o'clock A. M., to elect a Superintendent, Chaplain, and three Directors of the State Prison.

And it was read, and

*Ordered* to lie upon the table.

Mr. Camp called up the resolution from the House of Representatives, relative to Joint Rules, and,

On motion of Mr. Butler, the said resolution was amended by striking therefrom the first amendment proposed by the House to the Joint Rules.

And thus amended, it was passed in concurrence.

The following communication from was received His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }  
Oct. 20, 1843. }

*To the Senate:*

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the 3d brigade by the promotion of Brigadier General Heman R. Smith to the office of Major General.

JOHN MATTOCKS.

A resolution from the House of Representatives, relative to a reduction of the pay and mileage of members of Congress, was read, and

On motion of Mr. Briggs,

Referred to the Committee on Finance.

(S. 6.) Mr. Butler called up the bill on the table entitled "an act to repeal an act relating to the punishment of capital crimes," and moved to amend the same by striking out all after the enacting clause, and inserting a substitute for the bill.

Before taking the question,

On motion of Mr. A. Allen, the bill and amendment were

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 8.) "An act to incorporate the Grafton Fire Company."

(H. 20.) "An act relating to exemptions from attachment."

(H. 55.) "An act altering the name of the town of Monroe to that of Woodbury."

In passing each of which bills they request the concurrence of the Senate.

The House have also adopted a resolution providing for a Joint Assembly to elect a Brigadier General in the third brigade of the militia of this State, in which they request the concurrence of the Senate.

The said resolution from the House of Representatives was thereupon adopted in concurrence.

(H. 8.) The House bill number 8 was then taken up, read the first and second times, and referred to the Committee on the Judiciary.

(H. 55.) The House bill number 55 was read the first and second times, and,

On motion of Mr. Camp,

Ordered to lie upon the table.

(H. 20.) The House bill number 20 was read the first and second times and referred to the Committee on Agriculture.

(S. 1.) The Senate, as in Committee of the whole, resumed consideration of the bill entitled "an act relating to the Judiciary."

And, after making progress therein, without reporting the same,

On motion of Mr. A. Allen,

The Senate adjourned.

## AFTERNOON.

(S. 8.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to the settlement of es-



tates," reported the same without amendment, with the opinion that it ought to pass.

And it was

*Ordered* to be engrossed and read the third time to-morrow afternoon.

(S. 10.) Mr. Griswold introduced a bill entitled "an act to pay William Maxham the sum therein mentioned."

And it was read the first and second times and referred to the Committee on Military Affairs.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the consideration of the General Assembly, a communication from the Corresponding Secretary of the American Peace Society.

The said communication was read, and

*Ordered* to lie upon the table.

(S. 1.) The Senate, as in Committee of the whole, further considered the bill entitled "an act relating to the Judiciary," and after making progress therein, without reporting the same, the Committee rose.

The hour appointed by a resolution of the two Houses for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly,

Mr. Read presented the following resolution:

*Resolved*, by the Senate and House of Representatives, that the Commissioner of the School Fund be, and he hereby is, directed to postpone the collection of two certain notes executed to the commissioner of said Fund—one dated Nov. 20, 1834, on annual interest, signed by George W. Benedict, Frederick Buell, Heman Allen, Charles Adams, William A. Griswold and William I. Seymour, for two thousand dollars—the other dated March 31, 1842, for \$839 and 42-100, signed by the same persons, except Frederick Buell—given for the uses and benefit of the University of Vermont—until otherwise directed by a future Legislature.

And it was read and referred to the Committee on Education.

(S. 6.) Mr. Starr called up the bill on the table, entitled "an act to repeal an act relating to the punishment of capital crimes," together with the amendment thereto proposed by Mr. Butler, stated on the journal of this morning.

Mr. Briggs moved to amend the said amendment by striking out the word "six" from the third section, and inserting the word "three," and

Pending this question,

On motion of Mr. Read, the bill and amendments were

*Ordered* to lie upon the table.

Mr. Briggs called up the resolution from the House of Representatives, providing for a Joint Assembly on Thursday next, at 10 o'clock A. M. to elect a Brigadier General in the 2d brigade.

And on his motion, it was amended by striking out the word "Thursday" and inserting the word "Friday."

And thus amended it was passed in concurrence.

On motion of Mr. Griswold,

The Senate adjourned.

SATURDAY, OCT. 21, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sargeant called up the resolution from the House of Representatives, on the table, providing for a Joint Assembly to elect Judges of the Supreme Court, and a Secretary of State for the year ensuing.

And, on his motion, it was amended by striking out the words "on Tuesday next" and inserting the words "this morning"; and by striking out the words "Judges of the Supreme Court and."

And, thus amended, the resolution was passed in concurrence.

Mr. Dutton presented the following resolution:

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of altering chapter 28, section 19, of the Revised Statutes in such a way as to shorten the time for which real estate subject to successive attachments on *mesne process* shall be held to respond the several judgments rendered thereon after the first encumbrance shall have been removed.

And it was read and passed.

Mr. E. Allen presented the petition of R. M. Manly and 27 others, praying for an act of incorporation.

And it was read and referred to the Committee on Education.

(S. 11.) Mr. Camp introduced a bill entitled "an act relating to licences to retailers and inn-keepers."

Which was read twice and referred to the select Committee raised on the petition of Reuben Spaulding and 174 others, citizens of Brattleboro'.

(S. 12.) Mr. Dutton introduced a bill entitled "an act to prevent frauds in the sale of leather; in alteration of chapter 68 of the Revised Statutes."

Which was read twice and referred to the Committee on Manufactures.

(H. 8.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill No. 8, reported the same, with the proposition to amend the same by striking out the third section.

And, on motion of Mr. Camp, the bill and amendment were

*Ordered* to lie upon the table.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has transmitted to the House of Representatives for the use of the General Assembly, Governor Paine's report in relation to the Deaf and Dumb, the Insane Poor, and the Blind.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate, and adopt the amendment proposed to the resolution providing for a Joint Assembly to elect Judges of the Supreme Court and a Secretary of State.



The House have passed bills of the following titles in which they request the concurrence of the Senate :

(H. 17.) "An act relating to the sale of property on execution," and

(H. 48.) "An act altering the name of Job Turner Congdon."

(H. 17.) The House bill No. 17 was read twice and referred to the Committee on the Judiciary.

(H. 48.) The House bill No. 48 was read twice and referred to the select Committee raised on the petition of Lucius H. Cathan.

(S. 13.) Mr. Briggs introduced a bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes."

Which was read twice, and, on his motion,

*Ordered* to lie upon the table.

The hour provided by a resolution of the two Houses for a Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives; and, having returned,

(S. 6.) The Senate took up the bill on the table entitled "an act to repeal an act relating to the punishment of capital crimes," and the amendment proposed thereto.

And, on motion of Mr. Read, the same were

*Ordered* to lie upon the table and be made the special order for Tuesday morning next.

(S. 14.) Mr. Thompson introduced a bill entitled "an act in amendment of an act approved Nov. 12, 1842, relating to the advertisement of lands to be sold for taxes."

And it was read twice and referred to the Committee on Land Taxes.

On motion of Mr. Briggs, it was

*Ordered* that when the Senate adjourn it will adjourn to meet again on Monday morning next.

On motion of Mr. Sargeant,

The Senate adjourned.

MONDAY, OCT. 23, 1843.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in their proposed amendment to the resolution providing for a Joint Assembly to elect a Brigadier General of the 2d brigade in the militia of this State.

The House have passed a resolution providing for the appointment of a

Joint Committee to examine into and report the condition of the State Library.

And have also passed bills of the following titles:

(H. 27.) "An act extending the jurisdiction of Justices of the peace, in trustee actions."

(H. 30.) "An act relating to trustee process."

(H. 39.) "An act in relation to notaries public;" and

(H. 62.) "An act amending chapter 20 of the Revised Statutes; in relation to laying out and discontinuing highways."

In passing which resolution and bills, they request the concurrence of the Senate.

The said bills from the House of Representatives were taken up, severally read the first and second times and referred as follows:

(H. 27, 30, 39.) House bills Nos. 27, 30 and 39, to the Committee on the Judiciary; and

(H. 62.) House bill No. 62 to the Committee on Roads and Canals.

(S. 15.) Mr. Camp introduced a bill entitled "an act relating to building and repairing bridges; in addition to and in alteration of the 21st chapter of the Revised Statutes."

And it was read twice and referred to the Committee on Roads and Canals.

Mr. Thompson introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, that the two Houses adjourn without day, on Thursday, the 2d day of November next, at 5 o'clock A. M.

And it was read.

Mr. Camp moved to amend the same by striking out the words "at 5 o'clock A. M."

And it was so ordered.

And the resolution, as amended, was,

On motion of Mr. Cahoon,

*Ordered* to lie upon the table.

The resolution from the House of Representatives, providing for the appointment of a joint Committee of the two Houses to examine into and report the condition of the State Library, was read and passed in concurrence.

And the President announced the appointment of Mr. Dutton, Mr. Farr and Mr. Morgan, as the Committee on the part of the Senate.

Mr. Briggs introduced the following resolution:

*Resolved*, That the Committee on Education be instructed to enquire in relation to the 14th volume of Vermont Reports, whether the cases determined by the Supreme Court for the year 1842, are published in said volume; or what proportion of the cases is reported, and by whom; what are the paper, binding, and execution of the volume; its value as compared with former volumes, and as compared with other publications; and whether the present method of reporting and publishing the Vermont Reports is defective, and, if so, what remedy can be had; and that they be instructed to report in detail upon the matters aforesaid, and any other matters relating to the character of the Vermont Reports.

Mr. Camp moved to amend the same by striking out the word "Education," and inserting the words "the Judiciary."

And it was so ordered.



And the resolution, thus amended, was passed.

Mr. Starr presented the following resolution:

*Resolved*, That the Judiciary Committee be instructed to enquire whether any further provisions of law are necessary to restrain the taking of excessive interest on loans of money.

And it was read and passed.

Mr. Camp, from the Committee on Finance, to whom had been referred the resolution from the House of Representatives relative to a reduction of the per diem pay, and the mileage of members of Congress, reported that it is inexpedient, in the opinion of the Committee, to pass the same.

The question then being, Will the Senate concur with the House and pass the resolution?

It was decided in the negative.

(S. 8.) The Senate took up the engrossed bill entitled "an act relating to the settlement of estates."

And it was read the third time, and,

On motion of Mr. Scott,

*Ordered* to lie upon the table.

(S. 13.) The bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes," was taken up, and

*Ordered* to be engrossed and read the third time.

(S. 2.) Mr. Briggs, from the Committee on the Judiciary, to whom had been recommitted the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" reported the same, with the proposal to amend by striking out section 4, and inserting in lieu thereof as follows:

"Section 4. The proceeding against the person charged with being the father of such child, shall be in the name of the overseer of the poor of the town prosecuting such complaint."

And by adding after section 5 as follows:

"Section 6. If such woman, or other person, shall at any time give sufficient security for the support of such child, and pay the costs and the expenses for the support of such child, the proceedings in the case shall be discontinued, and the powers granted to the overseer shall cease."

And the amendments proposed were severally adopted.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.

(S. 16.) Mr. Briggs introduced a bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company."

And it was read twice and referred to the Committee on Roads and Canals.

Mr. A. Allen presented the petition of J. Olmsted and 171 others, inhabitants of Benson, in the County of Rutland, praying for a law altering the place of holding the County Courts for the County of Rutland, from Rutland to Castleton.

And it was read and

*Ordered* to lie upon the table.

(S. 17.) Mr. E. Allen introduced a bill entitled "an act extending the jurisdiction of justices of the peace."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 7.) Mr. Sargeant, from the Committee on Elections, to whom had been referred the bill entitled "an act defining the qualifications and rights of freemen, and for other purposes," and the bill (S. 9,) entitled "an act providing for a registry of voters," reported the same, with certain proposals of amendment to the former, (S. 7.)

And the bills and amendments were, on his motion,

*Ordered* to lie upon the table.

Mr. Porter presented the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to enquire into the expediency of repealing section 186 of "an act in relation to the militia," passed at the last session of the Legislature.

And it was read and passed.

(S. 18.) Mr. Farr introduced a bill entitled "an act repealing an act in relation to the militia, approved Oct. 29, 1842."

And it was read the first and second times, and referred to the Committee on Military Affairs.

On motion of Mr. Cahoon

The Senate adjourned.

## AFTERNOON.

(S. 19.) Mr. Plumb from the select Committee raised on the petition of Reuben Spaulding and 174 others, inhabitants of Brattleboro', reported a bill entitled "an act in relation to inn-keepers and retailers; in addition to and in alteration of chapter 83 of the Revised Statutes."

And it was read the first and second times, and,

On motion of Mr. Field,

*Ordered* to lie upon the table.

Mr. A. Allen called up the petition of J. Olmsted and others, inhabitants of the town of Benson, and moved that it be referred to a select committee of three Senators.

Which motion was rejected, and

On motion of Mr. Briggs, the said petition was

*Ordered* to lie upon the table.

On motion of Mr. Camp,

The Senate adjourned.



TUESDAY, OCT. 24, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 7.) The Senate as in Committee of the whole, took up the bill entitled "an act defining the qualifications and rights of freemen, and other purposes," and the bill (S. 9,) entitled "an act providing a registry of voters," together with the amendments proposed by the Committee on Elections.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have appointed as the Committee on their part, to examine into and report the condition of the State Library, Mr. Grandy, Mr. Griggs and Mr. Crowley.

They have, also, passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(H. 11.) "An act relative to the incorporation of Fire Insurance Companies."

(H. 50.) "An act relative to the fees of Inspector General of beef and pork;" and

(H. 58.) "An act altering the name of William Gibson 6th."

The hour provided by a resolution of the two Houses for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned to the Senate Chamber, resumed consideration, as in Committee of the whole, of the bill entitled

(S. 7.) "An act defining the qualifications and rights of freemen, and other purposes," and the bill entitled

(S. 9.) "An act providing for a registry of voters," together with the proposed amendments thereto, and, having made progress therein,

On motion of Mr. Farr,

The Senate adjourned.

## AFTERNOON.

(S. 20.) Mr. Dutton, from the Committee on Education, to whom had been referred that portion of the message of the Governor which relates to Education, reported a bill entitled "an act constituting a Board of Education."

And it was read the first and second times.

And, on motion of Mr. Dutton, the blank in the 2d section was filled by inserting the word "four" before the word "hundred."

And the bill was

*Ordered* to be engrossed and read the third time.

(H. 17.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill from the House of Representatives, entitled "an act relating to the sale of property on execution," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Butler, it was

*Ordered* to lie upon the table.

(H. 30.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act relating to trustee process," reported the same with a proposal to amend as follows:

After the word "shall" in the first line, section 1, insert the words "be summoned to," and strike out from the following line, the words "who has been summoned to."

Which amendments were adopted.

And the bill, as amended, was read the third time and passed in concurrence.

Mr. Dutton, from the Committee on Education, to whom had been referred the petition of the members of the Young Men's Lyceum of Troy Conference Academy, reported the same, with the opinion of the Committee that no legislative action is necessary, and recommended that the petitioners have leave to withdraw their petition.

Which leave was granted.

(S. 21.) Mr. Scott, from the same committee, to whom had been referred the petition of the Trustees of Troy Conference Academy, reported that the prayer thereof ought to be granted, and recommended the passage of a bill, accompanying their report, entitled "an act to amend an act incorporating Troy Conference Academy."

And the said bill was read twice, and

*Ordered* to be engrossed and read the third time.

(H. 27.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act extending the jurisdiction of justices of the peace, in trustee actions," reported the same, with no expression of the judgment of the Committee thereon, and

On motion of Mr. Scott, it was

*Ordered* to lie upon the table.

(H. 62.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act amending chapter 20 of the Revised Statutes, in relation to laying out and discontinuing highways," reported adversely to the passage of the same.

And the third reading thereof was refused.

Mr. Scott, from the Committee on Education, to whom had been referred the resolution authorizing the State Treasurer to draw books from the State Library, reported the same with the opinion of the Committee that it ought not to pass.

And the resolution was rejected.

(S. 5.) Mr. Briggs, from the Committee on the Judiciary, to whom had



been referred the bill entitled "an act relating to assignments," reported the same, with amendments.

And, on his motion,

The Senate considered said bill, and the amendments proposed, as in Committee of the whole, and reported the same to the Senate with certain amendments, which were adopted.

And on motion of Mr. Briggs, the bill, as amended, was

*Ordered* to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the distribution of the Vermont Reports; and bills of the following titles:

(H. 18.) "An act incorporating the New York and Champlain Steam Boat Company."

(H. 49.) "An act to incorporate the Vermont Central Rail Road Company;" and

(H. 61.) "An act relative to the collection of arrearages of highway taxes."

In passing which resolution and bills, they request the concurrence of the Senate.

The House have considered the amendment proposed by the Senate to the resolution relative to the Joint Rules of the two Houses, and have resolved not to concur therein.

Mr. A. Allen called up the petition of 172 inhabitants of the town of Benson, and,

On his motion it was

*Ordered* to be referred to a select Committee of three Senators.

The following bills from the House of Representatives were severally taken up, read the first and second times, and referred as follows:

(H. 2.) House bill No. 2, to the select Committee raised on the petition of Reuben Spaulding and others, inhabitants of Brattleboro'.

(H. 18, H. 49.) House bills Nos. 18 and 49, to the Committee on Roads and Canals.

(H. 61.) House bill No. 61, to the Committee on Land Taxes.

(H. 11.) House bill No. 11, to the Committee on Manufactures.

(H. 50.) House bill No. 50, to the Committee on Agriculture; and

(H. 58.) House bill No. 58, to the select Committee raised on the petition of Lucius H. Cathan.

A resolution from the House of Representatives, providing for the distribution of the Vermont Reports to the several towns in this State, was read, and

Passed in concurrence.

On motion of Mr. Briggs,

The Senate adjourned.

WEDNESDAY, OCT. 25, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Read presented the following resolutions, which were read, and on his motion, referred to the select Committee raised on that portion of the Governor's message which relates to the subject of Slavery, and the annexation of Texas to this Union:

*Resolved*, That we protest against any attempt for the annexation of Texas to this Union, as unconstitutional and dangerous to the stability of the Union itself.

*Resolved*, That we can in no way assent to any purpose or measure, the object of which shall be to enlarge the slave-holding territory of the country, and thus to increase the political power of the slave-holding States.

*Resolved*, That we regard the abolition of slavery in the District of Columbia, as within the province and constitutional powers of Congress; and that we urge upon that body the propriety of its speedy abolition in that District.

*Resolved*, That we regard the right of petition as sacred; and hold that the doctrines of the 21st Rule, and the rejection of petitions under it, are known and wanton violations of the Constitution and laws of the country; and if adhered to by any portion of the Union, places that portion in the attitude of hostility to the Constitution itself, which forms the only and proper bond of Union among the several States.

*Resolved*, That we desire the speedy abolition of slavery throughout the whole land; and that we will use all just and lawful means within our power to accomplish that end.

*Resolved*, That the right of *Habeas Corpus*, and of *Trial by Jury*, are sacred and inviolable, and cannot lawfully be denied, even by State Legislatures, to any human being in the land, irrespective of color or condition; and that we regard all laws passed by our sister states, denying these rights, as *unconstitutional and void*.

Mr. Dutton, from the Committee on Education, to whom had been referred the resolution relative to a provision of law for a more equal distribution of the school money, reported the same, with the opinion that no legislative action thereon is expedient.

(H. 39.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in relation to notaries public," reported the same, with the opinion that it ought not to pass.

And the third reading of said bill was refused.

(S. 17.) Mr. Sargeant, from the same Committee, to whom had been referred the bill entitled "an act extending the jurisdiction of justices of the peace," reported the same, with the opinion that it ought not to pass.

And, on motion of Mr. E. Allen, it was

*Ordered* to lie upon the table.

Mr. E. Allen presented the following resolution:

*Resolved*, That the Secretary of State, the Secretary of the Senate, and the Clerk of the House of Representatives, be severally and respectively requested to furnish, for the use of the Senate, copies of the several con-



tracts they have made for printing and distributing the laws and journals of the present session of the General Assembly; also, the difference, if any, between the contracts of this year and those of the three last preceding years.

And it was read and passed.

(S. 22.) Mr. Thompson, from the select Committee raised on the petition of Lucius H. Cathan, reported a bill entitled "an act altering the names of persons therein mentioned."

And it was read twice, and,

On motion of Mr. Briggs,

*Ordered* to lie upon the table.

(S. 23.) Mr. Hubbard introduced a bill entitled "an act in addition to an act in relation to the militia."

And it was read the first and second times, and referred to the Committee on Military Affairs.

Mr. Farr presented the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to report a bill providing for the repeal of all acts in relation to the militia, passed at the session of 1842, and making such further provisions in relation to the militia as to them shall seem expedient.

And it was read.

Mr. Camp moved to amend the resolution by striking out the words "to report," and inserting the words "to enquire into the expediency of reporting."

And it was so ordered.

And, thus amended, the resolution was passed.

(S. 24.) Mr. Butler introduced a bill entitled "an act relating to the sale of property at public auction."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 25.) Mr. Bass introduced a bill entitled "an act amending section 18, chapter 18, of the Revised Statutes."

And it was read the first and second times and referred to the Committee on Education.

(S. 26.) Mr. Griswold introduced a bill entitled "an act relating to guardians and wards."

And it was read the first and second times, and referred to the Committee on the Judiciary.

The President announced the appointment of Mr. Green, Mr. Mott and Mr. Harris, as the select Committee directed to be raised on the petition of 172 inhabitants of Benson.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 71,) entitled "an act regulating the imprisonment of trustees," in which they request the concurrence of the Senate.

(S. 6.) Mr. Read called up the bill entitled "an act to repeal an act relating to the punishment of capital crimes," which, together with the amendment thereto proposed by Mr. Butler, had been ordered to lie upon the table.

And without taking any question thereon,

On motion of Mr. Sprague,  
The Senate adjourned.

## AFTERNOON.

(H. 20.) Mr. Field, from the Committee on Agriculture, to whom had been referred the House bill entitled "an act relating to exemptions from attachment," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Cahoon, it was

*Ordered* to lie upon the table.

(S. 24.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to the sale of property at public auction," reported the same without amendment, with the opinion that it ought to pass.

And it was, on motion of Mr. Briggs,

*Ordered* that the title of the bill be so amended as to read as follows:—

"An act relating to sheriff's sales of personal property."

Mr. Dutton moved further to amend the same, by striking out from the 2d section the words "may have been sold, or."

And it was so ordered.

The question being, Shall the bill be engrossed and read the third time?

The yeas and nays, having been demanded by Mr. Farr, are as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Briggs, Butler, Camp, Cutts, Dutton, Field, Harris, Mott, Munsill, Plumb, Sargeant, Scott, Sprague, Starr and Stone—16.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bingham, Cahoon, Farr, Green, Griswold, Morgan, Phillips, Porter, Read, Sabin, and Thompson—12.

So the bill was

*Ordered* to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments proposed by the Senate to the bill (H. 30,) entitled "an act relating to trustee process," and have resolved to concur therein.

The House have passed a resolution relative to the Journals of the Constitutional Convention, and a resolution providing for the adjournment of the General Assembly without day; and have, also, passed bills of the following titles:

(H. 82.) "An act for the relief of the town of Glastenbury."

(H. 21.) "An act to incorporate the Lincoln Iron Company."

(H. 77.) "An act in addition to, and in explanation of, 'an act relating to banks, approved October 28, 1840;'" and



(H. 57.) "An act abolishing imprisonment for military fines in certain cases."

In passing which resolutions and bills, they request the concurrence of the Senate.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:—

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, the report of the Adjutant General, for the year 1843, with the accompanying documents.

Mr. Briggs presented the following resolution:

*Resolved*, That, in addition to the usual sessions, the Senate hereafter meet at 7 o'clock P. M.

Which was read and passed.

On motion of Mr. Griswold,  
The Senate adjourned.

#### EVENING.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows:

(H. 71.) House bill No. 71, to the Committee on the Judiciary.

(H. 77.) House bill No. 77, to the Committee on Banks.

(H. 21.) House bill No. 21, to the Committee on Manufactures.

(H. 82.) House bill No. 82, to the Committee on Finance; and

(H. 57.) House bill No. 57, to the Committee on Military Affairs.

The resolution from the House of Representatives, directing the Secretary of State to deposit fifty copies of the Journal of the last Constitutional Convention in the State Library,

Was read and passed in concurrence.

The resolution from the House of Representatives, appointing Tuesday, the 31st instant, as the day of adjournment of the General Assembly,

Was read, and,

On motion of Mr. Briggs,

*Ordered* to lie upon the table.

The following communication from His Excellency the Governor, was read:

EXECUTIVE CHAMBER, }  
Oct. 25, 1843. }

*To the Senate:*

I have the honor to inform you that James K. Platt, of Burlington, declines to accept the office of jail commissioner for Chittenden County, to which he was recently elected in Joint Assembly, for the ensuing political year.

JOHN MATTOCKS.

Mr. Briggs called up the resolution on the table, providing for a Joint Assembly to elect a Superintendent, Chaplain, and three directors of the State Prison, for the year ensuing.

And, on his motion, it was amended by striking out the word "Tuesday," and inserting the word "Friday."

And, thus amended, it was passed.

(S. 2.) The Senate took up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

And it was read the third time and passed.

(S. 21.) The Senate took up the engrossed bill entitled "an act to amend an act incorporating Troy Conference Academy."

On motion of Mr. Briggs, it was

Ordered that the bill be committed to a Senator for a specific amendment of the title thereof.

The President appointed Mr. Briggs to perform this service, who reported the amendment made, as ordered.

And the said bill was read the third time and passed.

(S. 20.) The Senate took up the engrossed bill entitled "an act constituting a Board of Education."

And it was read the third time, and,

On motion of Mr. Briggs,

Ordered to be committed to a Senator for the following amendment:

In the first section, strike out the word "four" before the words "other persons," and insert the word "two" in lieu thereof.

The President appointed Mr. Dutton to perform this service, who reported the bill amended as ordered.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Briggs, Camp, Cutts, Dutton, Field, Harris, Morgan, Munsill, Porter, Plumb, Read, Sabin and Sargeant—14.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bass, Bingham, Butler, Green, Griswold, Mott and Thompson—8.

So the bill passed.

(S. 8.) The Senate took up the engrossed bill entitled "an act relating to the settlement of estates."

And, on motion of Mr. Munsill,

Ordered to be committed to a Senator for the following amendment:

Strike out all after the word "discretion" and insert the following: "on the return of the inventory, if the same shall not exceed one hundred and fifty dollars, and the estate be intestate, by a decree for that purpose, assign the whole of such estate to the children of the deceased, for their own use."

The President appointed Mr. Munsill to perform this service, who reported the bill amended as ordered.

And it was thereupon passed.

(H. 77.) Mr. Starr, from the Committee on Banks, to whom had been referred the House bill entitled "an act in addition to, and in explana-



tion of, "an act relating to banks," approved Oct. 28, 1840," reported the same without amendment, with the opinion that it ought to pass.

And, on motion of Mr. E. Allen, it was

*Ordered* to lie upon the table.

The Report of the Adjutant and Inspector General, transmitted this afternoon, by His Excellency the Governor, was read and referred, with the accompanying documents, to the Committee on Military Affairs.

The Senate took up the resolution from the House of Representatives relative to the Joint Rules of the two Houses, which had been returned from the House of Representatives with their non-concurrence in the amendment proposed by the Senate.

And it was

*Resolved* to insist upon the said amendment.

And, on motion of Mr. Camp,

The Secretary was directed to request of the House of Representatives a free conference on the disagreeing votes of the two Houses.

(S. 6.) Mr. Briggs called up the bill on the table, entitled "an act to repeal an act relating to the punishment of capital crimes," together with the amendment thereto proposed by Mr. Butler.

And, without taking any question thereon,

On motion of Mr. Briggs,

The Senate adjourned.

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THURSDAY, Oct. 26, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced, as the Committee to manage, on the part of the Senate, at the free conference requested on the disagreeing votes of the two Houses, on the amendment proposed by the Senate to the resolution relative to the Joint Rules of the two Houses, Mr. Briggs, Mr. Dutton, Mr. Farr.

Mr. Munsill presented the petition of Sylvester Phelps and Jedediah P. Ladd, praying compensation for thirteen kegs of tobacco.

And it was read, and

Mr. Munsill moved that it be referred to the Committee on the Judiciary.

Which motion was lost; and the same was, thereupon, referred to the Committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed to communicate to the Senate Governor Paine's report in relation to the Deaf and Dumb, the Insane Poor,

and the Blind, for the year 1843, which has been transmitted to the House of Representatives for the use of the General Assembly.

Mr. E. Allen presented the following resolution:

*Resolved*, That the Auditor of Accounts be requested to furnish, for the use of the Senate, statements of the number of copies of the Laws, of the Journals of the Senate, and the Journals of the House of Representatives, charged to the State by the contractor for printing and distributing the same, the number of copies of each, and the amount allowed therefor respectively, for each of the years 1840, 1841, and 1842; also the sums, if any, which may have been deducted by him, from the amount of the contracts, or any of them, for delay in the completion, or delivery, of the work beyond the time specified in said contracts.

And it was read and passed.

Mr. Thompson presented the petition of W. R. Ranney and others, praying for an act incorporating a Rail Road Company.

And it was read and referred to the Committee on Roads and Canals.

(H. 2.) Mr. Plumb, from the select Committee raised on the petition of Reuben Spaulding and others, to whom had been referred the House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," reported the same, without amendment, with the opinion that it ought to pass.

And, on motion of Mr. Briggs, it was

*Ordered* to lie upon the table.

(S. 25.) Mr. Dutton, from the Committee on Education, to whom had been referred the bill entitled "an act amending section 18, chapter 18, of the Revised Statutes," reported the same, without amendment, with the opinion that it ought to pass.

And it was

*Ordered* to lie upon the table.

Mr. Griswold introduced the following resolution:

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of so amending the 10th section of an act relating to the grand list, approved Nov. 11, 1841, that it shall read as follows:—Personal estate of deceased persons which shall be in the hands of their executors or administrators, and not distributed, shall be assessed to the executors or administrators in the school district where the deceased person last dwelt, until they shall give notice to the assessors that the estate has been distributed and paid to the parties interested therein.

And it was read and passed.

(H. 48.) Mr. Thompson, from the select Committee raised on the petition of Lucius H. Cathan, to whom had been referred the House bill entitled "an act altering the name of Job Turner Congdon," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Camp, it was

*Ordered*, That said bill, together with the bill on the table (S. 22,) entitled "an act altering the names of persons therein mentioned," be re-committed with instructions to amend the House bill by incorporating therein the provisions of the Senate bill.

(H. 71.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act regulating the imprisonment of trustees," reported the same, with the proposal to amend the ti-



tle thereof by striking out the words "the imprisonment of trustees," and inserting in lieu thereof, the words "proceedings against trustees."

And the said amendment was ordered.

And the bill as amended was read the third time and passed in concurrence.

(H. 11.) Mr. Porter, from the Committee on Manufactures to whom had been referred the House bill entitled "an act relative to the incorporation of Fire Insurance Companies," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Briggs, it was

*Ordered* to lie upon the table.

(H. 18.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act incorporating the New York and Champlain Steam Boat Company," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And it was read the third time and passed in concurrence.

(S. 16.) Mr. Field, from the same Committee, to whom had been referred the bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company," reported the same, with proposals of amendment.

And, on motion of Mr. Briggs, the Senate considered the bill as in Committee of the whole, and reported the same with the following proposals of amendment:

In section 4, strike out the word "fifteen," and insert, in lieu thereof, the word "five."

In section 10, in the proviso thereto, strike out the word "twelve," and insert, in lieu thereof, the word "ten;" and add as follows to the bill:

Section 20. Nothing in this act shall authorize said company to construct a rail road in the valley of Connecticut River, so as to interfere with the construction of any other rail road that is now, or may hereafter be authorized to be made in said valley, nor to prevent the crossing of any other rail road chartered by this State.

And the said amendments were adopted.

Mr. Farr moved to amend the bill by adding as follows:

Section —. The Legislature may at any time hereafter alter or amend this act as the public good may require.

And on the question, Will the Senate so amend?

The yeas and nays, being demanded by Mr. Butler, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—8.

Those Senators who voted in the negative are,

Messrs. E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

So the amendment was rejected.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, the report of Henry Ste-

vens, Commissioner to investigate the claims of this State against the Government of the United States, for Revolutionary services.

(S. 15.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act relating to building and repairing bridges, in addition to, and in alteration of, the 21st chapter of the Revised Statutes," reported the same, with the opinion that it ought not to pass.

And it was

*Ordered* to lie upon the table.

(H. 20.) Mr. Cahoon called up the House bill entitled "an act relating to exemptions from attachment," and

On his motion, it was amended by striking out all after the word "the" in the third line of the bill, and inserting as follows: "13th section of the 43d chapter of the Revised Statutes, as a sixth clause—Three swarms of bees and hives together with their produce in honey."

And, on motion of Mr. E. Allen, the bill, as amended, was

*Ordered* to lie upon the table.

(H. 49.) Mr. Hubbard, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to incorporate the Vermont Central Rail Road Company," reported the same, with the proposal to amend by striking out the proviso to section 20, as follows:

"Provided, that this act shall be under the control of future Legislatures to alter or amend as the public good shall require."

Pending the question on the adoption of the amendment proposed by the Committee,

Mr. Cahoon moved that the Senate adjourn.

Which motion was lost.

The question recurring, Will the Senate so amend?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,

Messrs. Bingham, Butler, Cahoon, Farr, Griswold, Phillips and Scott—

7.

So the amendment was adopted.

The question being, Shall the bill be read the third time?

On motion of Mr. Plumb,

The Senate adjourned.

## AFTERNOON.

(H. 50.) Mr. E. Allen, from the Committee on Agriculture, to whom had been referred the House bill entitled "an act relative to the fees of



Inspector General of beef and pork," reported the same without amendment.

And it was read the third time and passed in concurrence.

Mr. Briggs presented the petition of the Forestdale Volunteer Corps, and others, praying for a remuneration to members of uniform companies in the militia of this State.

And it was read and referred to the Committee on Military Affairs.

(H. 57.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act abolishing imprisonment for military fines in certain cases," reported the same without amendment, and it was

Read the third time and passed in concurrence.

(S. 18.) Mr. A. Allen, from the same Committee, to whom had been referred the bill entitled "an act repealing an act in relation to the militia, approved Oct. 29, 1842," reported the same, with the opinion that it ought not to pass.

And, on motion of Mr. Camp,

The said bill was indefinitely postponed.

Mr. Cutts, from the Committee on Claims, to whom had been referred the petition of Sylvester Phelps and Jedediah P. Ladd, asked to be discharged from the further consideration of the same, inasmuch as the claim therein presented should be exhibited to the Auditor of Accounts.

The Committee were thereupon discharged.

(H. 49.) The Senate proceeded to consider the House bill entitled "an act to incorporate the Vermont Central Rail Road Company," which was the unfinished business of this morning.

And it was read the third time.

And on the question, Shall the bill pass?

The yeas and nays, being demanded by Mr. Plumb, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Briggs, Camp, Cutts, Dutton, Field, Griswold, Harris, Mott, Munsill, Porter, Plumb, Read, Sargeant, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,

Messrs. Butler, Cahoon, Farr, Phillips and Scott—5.

So the bill was passed.

(S. 24.) The Senate took up the engrossed bill entitled "an act relating to sheriff's sales of property."

And it was read the third time, and,

On motion of Mr. Cahoon,

Ordered to lie upon the table.

The report of Henry, Stevens, (see Appendix,) transmitted by His Excellency the Governor, this morning, was taken up, read, and

On motion of Mr. Camp,

Referred to a select Committee of three Senators.

(H. 27.) The Senate took up the House bill entitled "an act extending the jurisdiction of justices of the peace in trustee actions."

And the third reading thereof was refused.

(H. 77.) The Senate took up the House bill entitled "an act in addition to, and in explanation of, "an act relating to banks," approved Oct. 28, 1840."

Mr. Allen moved to amend the same by striking out from the third line of section 2, the word "fifty," and inserting, in lieu thereof, [the words "one hundred."

And it was so ordered.

And the bill, as amended, was passed in concurrence.

(S. 17.) The Senate took up the bill on the table entitled "an act extending the jurisdiction of justices of the peace."

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

The report of Governor Paine, in relation to the Deaf and Dumb, the Insane Poor, and the Blind, for the year 1843, (see Appendix,) was taken up, and,

On motion of Mr. Cahoon,

Referred to the Committee on Education.

(S. 26.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to guardians and wards," reported the same without amendment.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

(H. 55.) The House bill entitled "an act altering the name of the town of Monroe to that of Woodbury," was taken up and

Referred to the Committee on Roads and Canals.

The reports of the Secretary of State, and the Clerk of the House of Representatives, made in conformity with a resolution of the Senate calling on them for information relative to the printing and distributing the Laws and the Journals of the House, were received, severally read and are as follows: (See Appendix.)

And the said reports were severally referred to the Committee on Finance.

(S. 13.) The Senate took up the engrossed bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes."

And it was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the reception of Col. Richard M. Johnson, in which they request the concurrence of the Senate.

The resolution from the House of Representatives, providing for a reception of Col. Richard M. Johnson, by His Excellency the Governor, in the Hall of the House, in presence of the General Assembly, to-morrow at 12 M.,

Was read and passed in concurrence.

Mr. Scott, from the Committee on Bills, made the following report:

The Committee on Bills report that they have this day presented to the Governor for his signature bills of the following titles:

(H. 30.) "An act relating to trustee process."

(H. 50.) "An act relating to the fees of Inspector General of beef and pork."



(H. 18.) "An act incorporating New York and Champlain Steam Boat Company."

(H. 57.) "An act abolishing imprisonment for military fines."

On motion of Mr. Camp, it was

*Ordered*, That when the Senate adjourn it will adjourn to meet to-morrow morning.

(S. 14.) Mr. Green, from the Committee on Land Taxes, to whom had been referred the bill entitled "an act in amendment of an act, approved Nov. 12, 1842, relating to the advertisement of lands to be sold for taxes," reported the same with a proposal to amend as follows:

Add to the bill the following section:

"Section 2. So much of the act to which this is an amendment as is inconsistent with the provisions of this act, is repealed.

And the amendment was adopted, and the bill

*Ordered* to be engrossed and read the third time.

(H. 61.) Mr. Green, from the same Committee, to whom had been referred the House bill entitled "an act relative to the collection of arrearages of highway taxes," reported the same, without amendment, and,

On motion of Mr. Field, it was

*Ordered* to lie upon the table.

On motion of Mr. Hubbard,

The Senate adjourned.

FRIDAY, OCT. 27, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Munsill moved that the petition of Sylvester Phelps and Jedediah P. Ladd, from the consideration of which the Committee on Claims were yesterday discharged, be again referred to that Committee.

And it was so ordered.

Mr. Camp moved that the Committee on Finance be discharged from the consideration of the Reports of the Secretary of State, and the Clerk of the House of Representatives, and that the same be referred to a select Committee.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 51.) "An act to incorporate the Brattleboro' and Fitchburgh Rail Road Company."

(H. 69.) "An act to revive an act entitled "an act to incorporate the

Connecticut and Passumpsic Rivers Rail Road Company," passed Nov. 10, 1835."

(H. 83.) "An act altering the name of Alonzo Perseth."

(H. 84.) "An act in addition to an act entitled "an act for the relief of Salma Davis and others," approved Nov. 11, 1842;" and

(H. 90.) "An act to pay Edward G. Babcock the sum therein mentioned."

Mr. Briggs moved that the Committee on Education be discharged from the consideration of the report of Governor Paine in relation to the Deaf and Dumb, the Insane Poor, and the Blind, for the year 1843, and that it be referred to a select Committee.

And it was so ordered.

Mr. Porter, from the select Committee on the Grand List, to whom had been referred the resolution presented by Mr. Sprague, relative to the taxing of notes and obligations due to banks, reported the same, with the opinion that no legislative action is expedient thereon.

(S. 23.) Mr. Porter, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act in addition to an act in relation to the militia," reported the same, without amendment, with the opinion that it ought to pass.

And it was

*Ordered* to be engrossed and read the third time.

Mr. Sabin, from the select Committee, to whom had been referred so much of the message of the Governor as relates to the subject of Slavery, and the annexation of Texas to this Union, and the resolutions on these subjects presented by Mr. Read, on the 25th instant, reported the said resolutions with proposals to add to the same as follows: (See Appendix.)

(S. 27.) And also a bill entitled "an act further to protect personal liberty."

And the said resolutions were read, and,

On motion of Mr. Camp,

*Ordered* to lie upon the table.

And the said bill was read the first and second times, and,

On motion of Mr. Camp,

*Ordered* to lie upon the table.

(H. 17.) Mr. Cahoon called up the House bill on the table, entitled "an act relating to the sale of property on executions."

Mr. Farr moved to amend the same as follows:

In line 12th of section 1, insert the word "public" before the word "place."

From same section, strike out the words "as may be agreed on by the debtor and creditor."

And add as follows:

"Section 3. This act shall take effect from and after its passage."

And the said amendments were ordered.

And the question being, Shall the bill be read a third time?

Mr. Briggs demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bass, Bingham, Butler, Cahoon, Cutts, Farr, Field, Green, Griswold, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sergeant, Scott, Sprague, Starr and Stone—22.

Those Senators who voted in the negative are,

Messrs. E. Allen, Briggs, Camp, Dutton, Harris, Hubbard, Plumb and Thompson—8.



And so the bill was ordered to be read a third time.

And it was, thereupon, read the third time and passed in concurrence.

The following communication was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }  
Oct. 27, 1843. }

*To the Senate :*

I have the honor to inform you that, in pursuance of the joint resolution of the two Houses of the General Assembly, I have appointed Messrs. Cutts and Farr of the Senate, and Messrs. Davis, Daniels, and Vilas of the House of Representatives, a Committee, and have directed General D. W. C. Clarke, and Colonel E. H. Billings of my Staff, to accompany them, to wait upon Colonel Johnson and invite him to visit the General Assembly, in the Hall of the House of Representatives, at 12 o'clock M. this day. The Committee have attended to their duty, and report that Colonel Johnson expresses his cordial acknowledgements for the civility tendered to him, and has signified his acceptance of the invitation.

JOHN MATTOCKS.

(S. 24.) Mr. Briggs called up the engrossed bill on the table, entitled "an act relating to sheriff's sales of property."

And, without taking any question thereon,

On motion of Mr. Farr,

The Senate adjourned.

#### AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur in the amendment proposed by the Senate to the bill (H. 71,) entitled "an act regulating the imprisonment of trustees."

The House have passed the resolution from the Senate providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison, with an amendment, in which they request the concurrence of the Senate.

The House have passed a resolution providing for a Joint Assembly to elect a Reporter of the decisions of the Supreme Court, in which they request the concurrence of the Senate.

His Excellency the Governor has announced to the House that he has, this day, approved and signed House bills Nos. 30, 50, 57 and 18.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows:

(H. 51, H. 69.) House bills Nos. 51 and 69, to the Committee on Roads and Canals.

(H. 83.) House bill No. 83, to the select Committee on the petition of Lucius H. Cathan.

(H. 84.) House bill No. 84, to the Committee on the Judiciary; and  
(H. 90.) House bill No. 90, to the Committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives agree to the free conference requested on the disagreeing votes of the two Houses, on the amendment proposed by the Senate to the resolution relating to Joint Rules, and have appointed, to manage at the same on their part, Mr. Vilas, Mr. Whittemore, and Mr. Henry.

The President announced the following select Committees:

On the report of Henry Stevens relative to the claims of Vermont on the General Government, Messrs. Camp, Briggs and Cahoon.

On the Reports of the Secretary of State, and the Clerk of the House of Representatives, relative to expenses of printing and distributing the Laws and Journals of the House, Messrs. E. Allen, Read and Bass.

On the report of Governor Paine relative to the Deaf and Dumb, the Insane Poor, and the Blind, Messrs. Cahoon, Sargeant and Munsill.

Mr. Harris presented the petition of A. Wentworth Jr. and 27 others, praying for an act incorporating a Rail Road Company.

And it was read and referred to the Committee on Roads and Canals.

The hour provided by a resolution of the two Houses for a meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives,

And, having returned,

(S. 24.) The engrossed bill on the table entitled "an act relating to sheriff's sales of property," was taken up and further considered.

Mr. A. Allen moved to amend the same as follows:

Strike out section 1; and from section 2, strike out the words "previous to the 1st day of January, A. D. 1844."

And the question being taken, the amendments were rejected.

The question then being, Shall the bill pass?

Mr. Briggs demanded the yeas and nays, and they were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Briggs, Butler, Camp, Dutton, Field, Harris, Mott, Munsill, Plumb, Sargeant, Scott, Sprague, Starr and Stone—14.

Those Senators who voted in the negative are,  
Messrs. A. Allen, E. Allen, Bass, Bingham, Cahoon, Cutts, Farr, Green, Griswold, Hubbard, Morgan, Phillips, Porter, Read, Sabin and Thompson—16.

So the bill was rejected.

On motion of Mr. Briggs,  
The Senate adjourned.

## EVENING.

The Report of the Secretary of the Senate, (see Appendix,) and that of the Auditor of Accounts, made in compliance with resolutions of the Sen-



ate calling on them for information relative to the expense of printing, binding, and distributing the Laws and the Journals of the Senate and the House of Representatives,

Were received, read, and severally referred to the select Committee raised on these reports.

(H. 2.) Mr. Briggs called up the House bill on the table, entitled "an act in relation to the granting of licences to retailers of spirituous liquors."

And the third reading thereof was refused.

So the bill was lost.

(S. 6.) The Senate took into consideration the bill entitled "an act to repeal an act relating to the punishment of capital crimes," which, together with the amendment thereto proposed by Mr. Butler, had been ordered to lie upon the table.

Mr. Briggs moved to amend the amendment by striking out the word "six," in section 3.

And it was so ordered.

And the question being, Will the Senate amend as proposed?

The yeas and nays, being demanded by Mr. Griswold, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Farr, Green, Griswold, Morgan, Mott, Phillips, Plumb, Sabin, Scott, Sprague and Thompson—17.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Cutts, Dutton, Field, Harris, Hubbard, Munsill, Porter, Read, Sargeant, Starr and Stone—13.

So the amendment was adopted.

Mr. Briggs moved to fill the blank in section 3 with the word "three."

And it was so ordered.

On motion of Mr. Farr,

The Senate adjourned.

SATURDAY, OCT. 28, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Scott presented the following resolution:

*Resolved*, That the select Committee on the Grand List be instructed to enquire into the expediency of so amending the 14th section of an act relating to the grand list, approved Nov. 11, 1841, that the listers of the several towns in this state shall be required to appraise all the taxable real estate in their respective towns, on or before the 10th day of June, A. D. 1844, and every third year thereafter.

And it was read and passed.

(H. 2.) Mr. Briggs moved to reconsider the vote by which the House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," was refused the third reading, and that this motion lie upon the table.

And it was so ordered.

(H. 84.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in addition to an act entitled "an act for the relief of Salma Davis and others," approved Nov. 11, 1842," reported the same without amendment, and recommended its passage.

And it was read the third time and passed in concurrence.

Mr. Briggs called up the resolution from the House of Representatives, providing for an adjournment of the General Assembly on Tuesday next, at 7 o'clock A. M., without day.

And, on his motion, it was amended by striking out the words "Tuesday the 31st day of October instant," and inserting in lieu thereof, the words "Wednesday the 1st day of November next," and by striking out the words "at 7 o'clock A. M."

And, thus amended, the resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relative to a day of Public Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(H. 77.) The House have considered the amendment of the Senate to the House bill entitled "an act in addition to, and in explanation of "an act relating to banks," approved Oct. 28, 1840," and have resolved not to concur therein.

(S. 21.) The House concur with the Senate in passing the bill entitled "an act to amend an act incorporating Troy Conference Academy."

(S. 15.) Mr. Camp called up the bill on the table entitled "an act in relation to building and repairing bridges ; in addition to, and alteration of, the 21st chapter of the Revised Statutes."

And the Senate having considered the same as in Committee of the whole, it was reported with amendments, as follows :

In section 1, insert after the word "bridge," in the 3d line, the words "which shall have been suddenly destroyed or impaired;" and fill the blank, in same section, with the word "fifteen."

In section 3, strike out all after the word "propose," in the 4th line from the end, and insert as follows : "to be collected and paid to the town treasurer as other taxes are, by the time limited by the said selectmen."

And the said amendments were adopted.

The question then being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. Camp, were as follows :

Those Senators who voted in the affirmative are,

Messrs. Butler, Camp, Green, Phillips, Read, Sabin, Sargeant, Scott, Sprague, Starr and Thompson—11.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bingham, Cahoon, Cutts, Farr, Field, Griswold, Harris, Hubbard, Morgan, Mott, Porter, Plumb and Stone—14.

So the third reading was refused, and the bill lost.



The resolution from the House of Representatives relative to a day of Public Thanksgiving throughout the State was read, and it was *Resolved* not to concur therein.

(H. 77.) The Senate proceeded to consider their amendment to the House bill entitled "an act in addition to, and in explanation of, an act relating to banks, approved Oct 28, 1840," which had been returned from the House of Representatives with their non-concurrence therein.

And, on motion of Mr. Starr, it was

*Resolved*, That the Senate recede from said amendment.

The Senate took up the resolutions of the Legislature of Massachusetts, "against the annexation of Texas to the Union," and "concerning an amendment to the Constitution of the United States,"

And they were referred to the select Committee on that portion of the Governor's message which relates to Slavery, and the annexation of Texas to the Union.

(H. 20.) Mr. Cahoon called up the House bill entitled "an act relating to exemptions from attachment."

Mr. Read moved further to amend the same by inserting, before the word "three" in the amendment ordered by the Senate and on the journal of Thursday morning last, the following: "five bushels of grain in addition to the grain now exempt, and."

And it was so ordered.

And the bill, as amended, was read the third time and passed in concurrence.

(S. 6.) The Senate took up the bill entitled "an act to repeal an act relating to the punishment of capital crimes."

And on motion of Mr. Butler, the title thereof was amended by striking out the words "to repeal an act."

And the question being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. E. Allen, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Phillips, Porter, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—24.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Farr, Plumb and Sprague—5.

So the bill was

*Ordered* to be engrossed and read the third time.

(S. 16.) The Senate took up the engrossed bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company."

And it was read the third time and passed.

(S. 14.) The Senate took up the engrossed bill entitled "an act in amendment of an act approved Nov. 12, 1842; relating to the advertisement of lands to be sold for taxes."

Mr. Cahoon moved to commit the bill to a Senator with instructions to amend by inserting, after the words "published in," in the 1st section, the words "a newspaper printed in an adjoining county, or in."

And it was so ordered.

And Mr. Cahoon was appointed to perform this service, who reported the same so amended.

And it was, thereupon, read the third time and passed.

On motion of Mr. Plumb,  
The Senate adjourned.

### AFTERNOON.

(H. 51.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to incorporate the Brattleboro' and Fitchburgh Rail Road Company," reported the same without amendment, and recommended its passage.

And it was read the third time and passed in concurrence.

(S. 23.) The Senate took up the engrossed bill entitled "an act in addition to an act in relation to the militia."

And it was read the third time and passed.

(S. 10.) Mr. Bass, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act to pay William Maxham the sum therein mentioned," reported the same with an amendment.

And, on motion of Mr. Field, the bill and amendment were

Ordered to lie upon the table.

(H. 69.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to revive an act entitled 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company, passed Nov. 10, 1835,'" reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 21.) Mr. Porter, from the Committee on Manufactures, to whom had been referred the House bill entitled "an act to incorporate the Lincoln Iron Company," reported the same without amendment.

Mr. Cahoon moved to amend the same by striking out from the 9th line in section 1, the words "or may be."

And it was so ordered.

And the bill, thus amended, was read the third time and passed in concurrence.

(H. 55.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act altering the name of the town of Monroe to that of Woodbury," reported the same without amendment.

And it was read the third time and passed in concurrence.

(S. 28.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred so much of the message of the Governor as relates to the militia, together with sundry resolutions of the Senate, reported the opinion of the Committee to be adverse to the repeal of the "act in relation to the militia," and, also reported a bill entitled "an act in amendment of an act in relation to the militia."



And the said bill was read the first and second times, and,

On motion of Mr. Allen,  
*Ordered* to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a bill (H. 1,) entitled "an act to repeal an act in relation to the militia," in which they request the concurrence of the Senate.

I am directed to communicate to the Senate the reports of the Bank Committee, and the Bank Commissioner, which have, heretofore, been transmitted to the House for the use of the General Assembly.

The reports of the Bank Committee and Bank Commissioner were referred, without reading, to the Committee on Banks.

(H. 1.) House bill No. 1, was read the first and second times, and referred to the Committee on Military Affairs.

Mr. Farr introduced the following resolution :

*Resolved*, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing Judges of the Supreme Court.

The hour appointed for that purpose having arrived, the Senate repaired to the Hall of the House of Representatives to go into Joint Assembly, Having returned,

(S. 5.) Mr. Dutton called up the bill on the table entitled "an act relating to assignments," and moved to amend the same by striking out all after the enacting clause, and inserting as follows :

Section 1. All assignments hereafter made by debtors in this State, for the benefit of their creditors, shall provide for an equal distribution of all their estate real and personal, among their creditors, in proportion to the amount of their respective claims, excepting such property of said debtors as is by law exempt from attachment; and all assignments otherwise made shall be null and void.

Section 2. This act shall take effect from and after its passage.

And it was so ordered.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.

(S. 29.) Mr. Butler introduced a bill entitled "an act relating to process."

And it was read the first and second times and referred to the Committee on the Judiciary.

(H. 82.) Mr. Camp, from the Committee on Finance, to whom had been referred the House bill entitled "an act for the relief of the town of Glas-tenbury," reported the same without amendment.

And it was read the third time.

And the question, Shall the bill pass? decided in the negative.

So the bill was lost.

On motion of Mr. Briggs, it was

*Ordered*, That when the Senate adjourn, it adjourn to meet on Monday morning next.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

**MR. PRESIDENT:**—The House of Representatives concur with the Senate in passing the bill (S. 13,) entitled “an act relating to associations; in addition to chapter 81 of the Revised Statutes.”

(H. 71.) The Governor has announced to the House of Representatives that he has, this day, approved and signed House bill No. 71.

(S. 19.) Mr. Plumb called up the bill on the table, entitled “an act in relation to inn-keepers and retailers; in addition to, and in alteration of, chapter 83 of the Revised Statutes,” and moved to amend the same by inserting in section 5, after the word “addition,” the words “and the act in alteration of chapter 83 of the Revised Statutes, approved Nov. 5, 1842.”

And it was so ordered.

And the question, Shall the bill be engrossed and read the third time? was decided in the negative.

So the bill was lost.

Mr. Starr, from the Committee on Banks, to whom had been referred the reports of the Bank Commissioner and the Bank Committee, reported the same, and that no legislative action is required thereon.

(S. 9.) Mr. Farr called up the bill on the table entitled “an act providing for a registry of voters.”

And after considering the same as in Committee of the whole,

On motion of Mr. Camp, it was

*Ordered* that the bill be recommitted to the Committee on Elections with instructions to amend.

(S. 30.) Mr. A. Allen introduced a bill entitled “an act to prevent errors in voting.”

And it was read the first and second times, and referred to the Committee on Elections.

On motion of Mr. Harris,

The Senate adjourned.

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MONDAY, Oct. 30, 1843.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:**—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Assembly to elect Judges of the Supreme Court for the ensuing year.

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 68.) “An act relating to imprisonment of debtors.”

(H. 74.) “An act to provide for the disposal of unclaimed property stored with wharfingers and other store-house keepers.”



(H. 91.) "An act providing for the collection of taxes assessed on real estate."

(H. 92.) "An act assessing a tax for the support of Government."

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned;" and

(H. 94.) "An act in amendment of "an act in relation to the State Prison," approved Nov. 10, 1841."

(H. 82.) Mr. Sargeant moved that a message be sent to the House of Representatives, requesting them to return to the Senate the House bill entitled "an act for the relief of the town of Glastenbury," which had been sent to the House on Saturday with the non-concurrence of the Senate in the passing thereof.

And it was so ordered.

(S. 31.) Mr. Read introduced a bill entitled "an act to encourage and promote agriculture."

And it was read the first and second times, and referred to the Committee on Agriculture.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed, in compliance with the request of the Senate, to return to them the House bill (H. 82,) entitled "an act for the relief of the town of Glastenbury."

(H. 82.) On motion of Mr. Sargeant, the vote refusing a third reading to House bill No. 82, was reconsidered, and the bill

*Ordered* to lie upon the table.

(S. 9.) Mr. Sprague, from the Committee on Elections, to whom had been recommitted the bill entitled "an act providing for a registry of voters," with instructions to amend, reported the same with an amendment, which is to strike out all after the enacting clause, and insert a substitute for the bill.

Mr. Briggs moved the indefinite postponement of the bill.

And on this question, the yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Briggs, Butler, Cahoon, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Scott, Starr, Stone and Thompson—23.

Those Senators who voted in the negative are,

Messrs. Bingham, Farr, Griswold, Phillips, Sabin, Sargeant and Sprague—7.

So the bill was indefinitely postponed.

Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolution relative to the Vermont Reports, submitted the following report (see Appendix,) and accompanying resolutions:

The resolutions are as follows:

*Resolved*, by the Senate and House of Representatives, that the Reporter of the decisions of the Supreme Court be instructed to request the Judges of said Court to furnish him with the cases which have been heard and determined by said Court, and have not been reported.

*Resolved*, That the Reporter be instructed to publish one or more volumes of Reports, as soon as may be, comprising such cases as have been

decided previously to the year 1843, and including cases determined in 1843.

*Resolved*, That all cases reported should be published and distributed within one year after the decisions are made.

And they were read and passed.

(S. 32.) Mr. Cahoon introduced a bill entitled "an act relating to the grand list."

And it was read the first and second times and referred to the select Committee on the grand list.

(S. 33.) Mr. Starr introduced a bill entitled "an act relating to repairs of bridges."

And it was read the first and second times and referred to the Committee on Roads and Canals.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows :

(H. 68, H. 91.) House bills Nos. 68 and 91, to the Committee on the Judiciary.

(H. 74.) House bill No. 74, to the Committee on Roads and Canals.

(H. 92, H. 93.) House bills No. 92 and No. 93, to the Committee on Finance; and

(H. 94.) House bill No. 94, to the Committee on Claims.

(S. 5.) The engrossed bill entitled "an act relating to assignments," was taken up, and read the third time.

Mr. Farr moved that the said bill be committed to a Senator with instructions to amend the same by inserting the word "general" before the word "assignment," in the 1st line of section 1.

And it was so ordered.

And the bill was committed to Mr. Dutton, who reported the same so amended.

Mr. Cahoon moved that the bill be committed to a Senator with instructions to amend further by inserting the word "such" before the word "assignments," in the 8th line of section 1.

And it was so ordered.

And the bill was committed to Mr. Briggs, who reported the same so amended.

And the bill was, thereupon, passed.

The following communication was received from His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs :

EXECUTIVE CHAMBER, }  
Oct. 30, 1843. }

*To the Senate :*

I have the honor to inform you that Loring Dean, of Manchester, declines to accept the office of Assistant Judge of the County Court for the County of Bennington, for the ensuing political year.

JOHN MATTOCKS,

(H. 61.) The Senate took up the House bill on the table, entitled "an act relative to the collection of arrearages of highway taxes."

And the passage thereof was refused.

(S. 34.) Mr. Farr introduced a bill entitled "an act in relation to Rail Roads."



And it was read the first and second times and referred to the Committee of Roads and Canals.

(S. 10.) Mr. Griswold called up the bill on the table, entitled "an act to pay William Maxham the sum therein mentioned," together with the amendment thereto proposed by the Committee on Military Affairs.

The amendment is as follows:

Strike out all after the enacting clause, and insert as follows:

"The State Treasurer is directed to pay William Maxham the sum of \$41,05, and interest on the same, amounting to \$7,38, being for repairs made on a field piece carriage, baggage waggon, and harness, belonging to this State, and in possession of the 21st regiment of the militia of this State, in the summer of 1840."

And it was adopted.

On motion of Mr. Camp, the bill was

Ordered to lie upon the table.

On motion of Mr. Cahoon,

The Senate adjourned.

## AFTERNOON.

(S. 35.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the resolution presented by Mr. Camp, and on the journal of the 14th instant, relative to amending chapter 28 or the Revised Statutes, reported a bill entitled "an act relating to the sale of property attached on *mesne process*; in addition to chapter 28 of the Revised Statutes."

And it was read the first and second times and

Ordered to be engrossed and read the third time.

(S. 30.) Mr. Sargeant, from the same Committee, to whom had been referred the bill entitled "an act to prevent errors in voting," reported the same, with the opinion of the Committee that it ought not to pass.

And the third reading thereof was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the House bills entitled

(H. 20.) "An act relating to exemptions from attachment;"

(H. 21.) "An act to incorporate the Lincoln Iron Company;" and

(H. 49.) "An act to incorporate Central Rail Road Company;"

And have resolved to concur therein.

The House have passed a resolution relative to a day of Public Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(S. 32.) Mr. Sprague, from the select Committee on the Grand List, to whom had been referred the resolution of Mr. Scott relating to a new ap-

praisal of the real estate in this State, and the bill entitled "an act relating to the grand list," reported the same, with the opinion of the Committee that no legislative action is necessary on the said resolution, and that the said bill ought not to pass.

And the third reading thereof was refused.

(S. 33.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act relating to repairs of bridges," reported the same, with an amendment, as follows:

Strike out all after the enacting clause, and insert a substitute to the bill.

And the amendment was adopted, and the bill, as amended,

*Ordered* to be engrossed and read the third time.

(H. 74.) Mr. Hubbard, from the same Committee, to whom had been referred the bill from the House of Representatives entitled "an act providing for the disposal of unclaimed property stored with wharfingers and other store-house keepers," reported the same, without amendment.

And it was read the third time and passed in concurrence.

(H. 94.) Mr. Cutts, from the Committee on Claims, to whom was referred the House bill entitled "an act in amendment of "an act in relation to the State Prison," approved Nov. 10, 1841," reported the same without amendment.

And it was read the third time and passed in concurrence.

(S. 11.) Mr. Plumb, from the select Committee on the petition of Reuben Spaulding and others, to whom was referred the bill entitled "an act relating to licences to retailers and inn-keepers," reported the same without amendment, and it was

*Ordered* to be engrossed and read the third time.

The Senate took up the resolution from the House of Representatives, relative to a day of Public Thanksgiving.

And it was read.

Mr. Camp moved to amend the same by striking out the word "whereas" and inserting in lieu thereof the word "Resolved;" and by striking out all after the word "sentiment."

And it was so ordered.

And on motion of Mr. Field, the resolution, as amended, was

*Ordered* to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the resolution relative to a day of adjournment of the General Assembly, and have resolved not to concur therein.

I am directed to communicate to the Senate the report of the Superintendent of the Vermont State Prison, and accompanying documents, which have been transmitted to the House for the use of the General Assembly.

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 101.) "An act to alter the names of Timothy W. Knights, and Louisa Knights."

(H. 87.) "An act in addition to the several acts regulating the militia."

(H. 98.) "An act providing for the discontinuance of a certain road in Stratton."



(H. 100.) "An act altering the name of Lousina Tiff."

(H. 107.) "An act altering the name of the town of Orleans to that of Coventry."

(H. 108.) "An act for the protection of personal liberty."

(H. 97.) "An act altering the name of Rebecca Hall;" and

(H. 88.) "An act relating to the recognizance of sheriffs."

(S. 31.) Mr. E. Allen, from the Committee on Agriculture, to whom had been referred the bill entitled "an act to encourage and promote agriculture," reported the same without amendment, and it was

*Ordered* to be engrossed and read the third time.

(S. 29.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to process," reported the same without amendment, and it was

*Ordered* to be engrossed and read the third time.

The Senate proceeded to consider their amendments to the resolution of the House of Representatives, relative to a day of adjournment of the General Assembly, which had been returned from the House, with their non-concurrence therein.

And on motion of Mr. Plumb, the resolution was

*Ordered* to lie upon the table.

Mr. Briggs presented the following resolution:

*Resolved*, by the Senate and House of Representatives, that the General Assembly adjourn on Thursday the 2d day of November next, at 7 o'clock A. M., without day.

And it was read.

Mr. Camp moved to amend the same by striking out the words "at 7 o'clock A. M."

And on this question demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bass, Bingham, Butler, Cahoon, Camp, Farr, Phillips, Sargeant, Sprague and Thompson—11.

Those Senators who voted in the negative are,

Messrs. E. Allen, Briggs, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Scott, Starr and Stone—19.

So the amendment was rejected.

And the resolution passed.

(H. 1.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act to repeal an act in relation to the militia," reported the same, with the opinion that it ought not to pass.

And, on his motion, it was

*Ordered* to lie upon the table.

(S. 28.) The Senate took up the bill on the table entitled "an act in amendment of an act in relation to the militia," and having considered the same as in Committee of the whole, reported it without amendment, and it was

*Ordered* to be engrossed and read the third time.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows:

(H. 88.) House bill No. 88, to the Committee on the Judiciary.

(H. 97, H. 100, H. 101.) House bills No. 97, No. 100, and No. 101, to the select Committee on the petition of Lucius H. Cathan.

(H. 107.) House bill No. 107, to the Committee on Finance.

(H. 98.) House bill No. 98, to the Committee on Roads and Canals; and

(H. 108.) House bill No. 108, to the select Committee on so much of the Governor's message as relates to the subject of Slavery and the annexation of Texas to this Union.

(S. 10.) The Senate took up the bill on the table, entitled "an act to pay William Maxham the sum therein mentioned."

And it was

*Ordered* to be engrossed and read the third time.

The Senate took up the resolutions on the table, reported by the select Committee to whom had been referred the resolutions of Mr. Read, on the journal of the 25th instant.

And, on motion of Mr. Farr, the same were considered separately.

Mr. Farr moved to amend the first resolution by striking out the words "unconstitutional and."

And on this question, demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Bingham, Butler, Cutts, Farr and Griswold—5.

Those Senators who voted in the negative are,  
Messrs. A. Allen, E. Allen, Bass, Briggs, Camp, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Plumb, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—23.

So the amendment was lost.

And the resolution was passed.

The second resolution was passed.

Mr. Farr moved to amend the third resolution by inserting the words "and Territory of Florida," after the word "Columbia."

And it was so ordered.

And the resolution, as amended, was passed.

Mr. Farr moved to amend the fourth resolution, by inserting the words "which excludes all petitions on the subject of slavery," after the words "the 21st Rule."

And it was so ordered.

And the resolution, as amended, was passed.

The fifth resolution was passed.

Mr. Farr moved to amend the sixth resolution by striking out the words "and that we regard all laws passed by our sister States denying these rights, as unconstitutional and void."

And it was so ordered.

Mr. Camp moved further to amend the same, by striking out the words "even by State Legislatures."

And it was so ordered.

And the resolution, thus amended, was passed.

The seventh resolution was passed.

The eighth resolution, as follows:

"That the Constitution of the United States ought to be so amended as to prevent the existence and maintenance of Slavery in the United States in any form whatever,"



Was rejected.

The ninth and tenth resolutions were passed.

The said resolutions as amended and passed by the Senate, are as follows:

*Resolved*, by the Senate and House of Representatives,

*First.* That we protest against any attempt for the annexation of Texas in this Union, as unconstitutional, and dangerous to the stability of the Union itself;

*Second.* That we can in no way assent to any purpose or measure, the object of which shall be to enlarge the slave-holding territory of the country, and thus to increase the political power of the slave-holding States;

*Third.* That we regard the abolition of slavery in the District of Columbia, and the Territory of Florida, as within the province and Constitutional powers of Congress; and that we urge upon that body the propriety of its speedy abolition in that District and Territory.

*Fourth.* That we regard the right of petition as sacred; and hold the doctrines of the 21st rule, which excludes all petitions on the subject of slavery, and the rejection of petitions under it, are known and wanton violations of the Constitution and laws of the country; and, if adhered to by any portion of the Union, place that portion in the attitude of hostility to the Constitution itself, which forms the only and proper bond of union among the several States;

*Fifth.* That we desire the speedy abolition of slavery throughout the whole land; and that we will use all just and lawful means within our power, to accomplish that end;

*Sixth.* That the rights of *Habeas Corpus* and of Trial by Jury, are sacred and inviolable, and cannot lawfully be denied to any human being in the land, irrespective of color or condition;

*Seventh.* That we believe that all slaves transported by their owners upon the high seas beyond the bounds and jurisdiction of the slave States are, and of right ought to be, free, the same as if their owners had voluntarily transported them to any of the free states.

*Eighth.* That our Senators be instructed, and our Representatives in Congress be requested, to present the foregoing resolutions to their respective Houses, and to use their best endeavors to carry out the foregoing principles.

*Ninth.* That the Governor of this state be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

(H. 87.) House bill No. 87 was read the first and second times, and referred to the Committee on Military Affairs.

On motion of Mr. Sargeant, it was

*Ordered*, That when the Senate adjourn, it will adjourn to meet to-morrow morning.

On motion of Mr. Sargeant,  
The Senate adjourned.

TUESDAY, Oct. 31, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sargeant presented the following resolution:

*Resolved*, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly, on Tuesday the 31st October inst., at 10 o'clock forenoon, to elect a Bank Commissioner and Bank Committee for the year ensuing.

And it was read and passed.

(H. 91.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act providing for the collection of taxes assessed on real estate," reported the same without amendment.

And it was read the third time, and

On motion of Mr. Briggs,

*Ordered* to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed to communicate to the Senate certain resolves of the States of Georgia and Alabama, which have heretofore been transmitted to the House of Representatives for the use of the General Assembly.

The House have considered the resolutions of the Senate providing for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, and providing for the adjournment of the General Assembly without day, and have resolved to concur therein.

The hour appointed by resolutions of the two Houses, for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

Having returned,

(H. 68.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act relating to imprisonment of debtors," reported the same, with a proposal of amendment, to strike out from the title thereof the words "imprisonment of debtors," and insert the word "process" in lieu thereof.

And it was so ordered.

And thus amended, the bill was read the third time and passed in concurrence.

(S. 22.) Mr. Thompson, from the select Committee on the petition of Lucius H. Cathan, to whom had been referred the bill entitled, "an act altering the names of persons therein mentioned," and House bills No. 101, No. 100, No. 58, No. 97, No. 48, and No. 83, reported the said House bills with the opinion that they ought not to pass, and the Senate bill with the proposal to amend the same by incorporating with its provisions the substance of said House bills.

And the said amendment was adopted.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.



The said House bills were severally

*Ordered* to lie upon the table.

(H. 88.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act relating to the recognizance of sheriffs," reported the same without amendment, and it was

*Ordered* to lie upon the table.

(S. 28.) The engrossed bill entitled "an act in amendment of an act in relation to the militia," was taken up, read the third time and passed.

(H. 82.) The Senate took up the House bill on the table, entitled "an act for the relief of the town of Glastenbury," and it was passed in concurrence.

The resolutions from the Legislatures of Georgia and Alabama, relative to persons of color, and to fugitive slaves, were referred to the select Committee raised on that portion of the message of the Governor which relates to the subject of Slavery and the annexation of Texas to this Union.

(S. 29.) The Senate took up the engrossed bill entitled "an act in relation to process."

And it was read the third time and passed.

(S. 10.) The engrossed bill entitled "an act to pay William Maxham the sum therein mentioned," was taken up and read the third time.

Mr. Cutts moved that the same be committed to a Senator to be so amended as that it shall direct the Auditor of Accounts to draw his order on the Treasurer for the sum granted by the bill.

And it was so ordered, and Mr. Cutts appointed to make the amendment, who reported the same so amended.

And, as amended, it was passed.

(S. 33.) The engrossed bill entitled "an act relating to repairs of bridges," was taken up, read the third time and passed.

(S. 35.) The Senate took up the engrossed bill entitled "an act relating to the sale of property on attachment on *mesne process*; in addition to chapter 28 of the Revised Statutes."

And it was read the third time, and,

On motion of Mr. Cahoon,

*Ordered* to lie upon the table.

(S. 36.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolution of Mr. Griswold, on the journal of the 26th instant, reported a bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

And it was read the first and second times, and

*Ordered* to be engrossed and read the third time.

Mr. Thompson, from the Committee on Bills, reported that they have, this day, submitted to His Excellency, the Governor the following bills:

House bills No. 55, No. 51, No. 69, No. 84, No. 77, No. 49, No. 74, No. 94, No. 21, and No. 20; and

Senate bills No. 13, and No. 21.

(S. 25.) Mr. Griswold called up the bill on the table, entitled "an act amending section 18, chapter 18 of the Revised Statutes."

Mr. Briggs moved that the same be indefinitely postponed.

And on this question, the yeas and nays, being demanded by Mr. Bass, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Briggs, Butler, Cahoon, Camp, Cutts, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Starr, Stone and Thompson—21.

Those Senators who voted in the negative are,

Messrs. Bass, Bingham, Dutton, Farr, Griswold, Phillips, Sargeant, Scott and Sprague—9.

So the bill was indefinitely postponed.

(S. 37.) Mr. Read introduced a bill entitled "an act repealing section 9, of chapter 33 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on the Judiciary.

Mr. Dutton, from the joint Committee of the two Houses appointed to enquire into and report the condition of the State Library, made the following report: (See Appendix.)

(S. 38.) Mr. Griswold introduced a bill entitled "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842."

And it was read twice and referred to the Committee on Military Affairs.

(S. 6.) Mr. Read called up the engrossed bill entitled "an act relating to the punishment of capital crimes," and moved that the same be committed to a Senator with instructions to amend by striking out from section 2 the words "one year," and inserting in lieu thereof, the words "six months."

And the motion was lost.

The bill was thereupon read the third time.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Sabin, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Camp, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—25.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Farr, Plumb and Sprague—5.

So the bill was passed.

Mr. Dutton requested to be discharged from further service in the Senate after this day.

And the request was granted.

Mr. Camp made a like request, which was also granted.

On motion of Mr. Thompson,

The Senate adjourned.

## AFTERNOON.

(H. 87.) Mr. Thompson, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act in addition to



the several acts regulating the militia," reported the same with the opinion that it ought not to pass.

And on his motion, it was

*Ordered* to lie upon the table.

(H. 98.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act providing for the discontinuance of a certain road in Stratton," reported the same without expressing any opinion as to the merits thereof.

And the third reading was refused.

Mr. Cutts, from the Committee on Claims, to whom had been referred the petition of Sylvester Phelps and Jedediah P. Ladd, made a report (see Appendix,) concluding with the recommendation that the petitioners have leave to withdraw their petition.

And the leave was granted.

(S. 39.) Mr. Briggs introduced a bill entitled "an act relating to the first and second Judicial Circuits."

And it was read twice, and, the rule being suspended for that purpose,

*Ordered* to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for the postponement of the day of payment of certain notes due the State from the University of Vermont, in which they request the concurrence of the Senate.

Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the report of the Adjutant General, and the accompanying documents, reported the same, with the opinion that no action is necessary thereon.

(S. 1.) The Senate took up the engrossed bill on the table, entitled "an act relating to the Judiciary ;" and,

On motion of Mr. Briggs,

It was indefinitely postponed.

The Senate proceeded to consider the resolution from the House of Representatives relative to postponing the day of payment of certain notes due the State from the University of Vermont.

And it was passed in concurrence.

Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the petition of the Forestdale Volunteers and others, reported that no legislative action is required thereon, and recommend that the petitioners have leave to withdraw their petition.

And the leave was granted.

(H. 107.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bill entitled "an act altering the name of the town of Orleans to that of Coventry," reported the same without amendment.

And it was read the third time.

And the question being, Shall the bill pass ?

The yeas and nays, being demanded by Mr. Cutts, were as follows :—Mr. Camp being, on his motion, excused from voting on the question :

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Dutton, Farr, Green, Griswold, Harris, Morgan, Mott, Munsill, Phillips, Plumb, Read, Sabin, Sargeant, Scott, Starr and Stone—20.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Porter, Sprague and Thompson—8.

So the bill was passed.

(S. 31.) The Senate took up the engrossed bill entitled "an act to encourage and promote Agriculture."

And it was read the third time and passed.

The hour having arrived, pursuant to an adjournment, for forming a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned,

(S. 11.) The engrossed bill entitled "an act relating to licences to retailers and inn-keepers," was taken up, read the third time, and the passage thereof refused.

(S. 39.) The engrossed bill entitled "an act relating to the first and second Judicial Circuits," was taken up,

And, by unanimous consent of the Senate, read the third time and passed.

(H. 2.) The House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," and the vote refusing the third reading of the same, was reconsidered.

And, on motion of Mr. Butler, it was

*Ordered* to lie upon the table.

(H. 90.) Mr. Cutts, from the Committee on Claims, to whom had been referred the House bill entitled "An act to pay Edward G. Babcock the sum therein mentioned," reported the same without amendment.

And it was read the third time.

The question being, Shall the bill pass?

The yeas and nays were demanded by Mr. Harris, and were as follows:

Those Senators who voted in the affirmative are,

Messrs. Cahoon, Cutts, Dutton, Field, Plumb, Sprague, Starr and Thompson—8.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Briggs, Butler, Camp, Green, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott and Stone—20.

So the passage of the bill was refused.

(S. 36.) The engrossed bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841," was taken up, by unanimous consent read the third time, and

On motion of Mr. Butler,

*Ordered* to lie upon the table.

(H. 91.) Mr. Cahoon called up the House bill on the table, entitled "an act providing for the collection of taxes assessed on real estate," and moved that the same be amended by striking out all after the enacting clause and inserting a substitute for the bill.

And it was so ordered.



And the bill, as amended, passed in concurrence.

(H. 2.) Mr. Butler called up the House bill entitled "an act relating to the granting of licences to retailers of spirituous liquors."

Mr. Briggs moved to amend the same by striking out the word "seven."

And on this question Mr. Butler demanded the yeas and nays, which were as follows :

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bass, Bingham, Cutts, Dutton, Farr, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sargeant, Scott and Starr—19.

Those Senators who voted in the negative are,

Messrs. E. Allen, Butler, Camp, Phillips, Plumb, Sabin, Sprague, Stone and Thompson—9.

So the amendment was adopted.

And the bill, as amended, was passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

MR. PRESIDENT :—I am directed by the Governor to inform the Senate that he has this day approved and signed the following entitled bills :

(S. 13.) "An act relating to associations; in addition to chapter 81 of the Revised Statutes;" and

(S. 21.) "An act to amend an act to incorporate Troy Conference Academy."

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relative to the distribution of Public Documents in the State Library, in which they request the concurrence of the Senate.

The Governor has announced to the House that he has this day approved and signed House bills No. 21, No. 77, No. 84, No. 49, No. 20, No. 94, No. 135, No. 69, No. 74, and No. 51.

The resolution from the House of Representatives relative to the distribution of Public Documents in the State Library, was read and passed in concurrence.

(S. 38.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act construing the 7th section of the act in relation to the Militia, approved Nov. 12, 1842," reported the same, with the proposal to amend as follows :

Strike out the words "in relation to the militia," and insert, in lieu thereof, the words "relating to public accounts."

And it was so ordered.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

Mr. Griswold, from the select Committee on the subject of Slavery and the annexation of Texas to this Union, to whom had been referred the resolves of the Legislatures of the States of Georgia and Alabama, reported the same, with the opinion of the Committee that no legislative action is called for thereon.

(S. 37.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act repealing section 9 of chapter 33

of the Revised Statutes," reported the same, with no expression of the opinion of the Committee as to the expediency of passing the same.

And it was

*Ordered* to be engrossed and read the third time.

(S. 36.) Mr. Griswold called up the engrossed bill on the table, entitled an act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

Mr. Read moved to commit the same to a Senator, with instructions to amend by striking out, after the word "until," the words "they shall give notice to the assessors that."

And it was so ordered.

And Mr. Read was appointed to perform this service, who reported the bill, amended as proposed.

And without taking any further question thereon,

On motion,

The Senate adjourned.

## EVENING.

(H. 108.) Mr. Munsill, from the select Committee on the subject of Slavery and the annexation of Texas to this Union, to whom had been referred the House bill entitled "an act for the protection of personal liberty," reported the same, with the proposal to amend the same as follows:

After the word "high bailiff" in the 2d, 3d, and 5th sections, add the words "deputy bailiff;" and

Strike out section 7.

And the said amendments were adopted.

And, on motion of Mr. Briggs, the bill was

*Ordered* to lie upon the table.

(S. 22.) The Senate took up the engrossed bill entitled "an act altering the names of persons therein mentioned."

And it was read the third time and passed.

(S. 37.) The Senate took up the engrossed bill entitled "an act repealing section 9, of chapter 33 of the Revised Statutes."  
and it was read the third time, and,

On motion of Mr. Cahoon, re-committed to the Committee on the Judiciary for general amendment in the form of the bill.

And the said Committee reported the same, amended.

Mr. Butler moved further to amend the bill by striking out the word "three," and inserting the word "two."

And it was so ordered.

And the bill, as amended, was passed.

(S. 38.) The engrossed bill entitled "an act construing the 7th section of the act relating to public accounts, approved Nov. 12, 1842," was taken up, read the third time and passed.



(S. 7.) Mr. Camp called up the bill on the table, entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And, on his motion, the same was indefinitely postponed.

(S. 36.) The Senate took up the engrossed bill on the table, entitled "an act relating to the grand list; in alteration of an act approved Nov. 11, 1841."

And it was passed.

(S. 35.) The engrossed bill on the table, entitled "an act relating to the sale of property on attachment on *mesne process*; in addition to chapter 28 of the Revised Statutes," was taken up and passed.

(H. 1.) The Senate proceeded to consider the House bill on the table, entitled "an act in relation to the militia," and

On motion of Mr. Butler, it was

*Ordered* to lie upon the table.

(S. 27.) Mr. Sabin called up the bill on the table, entitled "an act further to protect personal liberty," and moved to amend the same by striking out all after the enacting clause and inserting a substitute for the bill.

And it was so ordered.

Mr. Sabin moved to fill the blanks in the bill as amended, as follows :

The blank before the word "dollars" with the words "one thousand ;" and that before the word "years" with the word "three."

And it was so ordered.

And the bill, as amended, was

*Ordered* to be engrossed and read the third time.

(H. 90.) Mr. Briggs moved that the Secretary be directed to request the House of Representatives to return to the Senate the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned."

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives do not concur with the Senate in passing the bill (S. 20,) entitled "an act constituting a Board of Education."

The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 125.) "An act fixing the times of holding the County Courts in Washington County."

(H. 130.) "An act in relation to military fines."

(H. 128.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 124.) "An act in relation to the duties of the Bank Commissioner."

(H. 121.) "An act making appropriation for the support of Government."

(H. 111.) "An act relating to the fees of County Clerks."

(H. 126.) "An act relating to State's Attorneys."

(H. 47.) "An act in relation to the collection of taxes assessed on real estate."

(H. 3.) "An act regulating the writ of *Audita Querela*."

(H. 119.) "An act relating to costs in civil actions."

(H. 122.) "An act in addition to 'an act relating to public accounts, approved Nov. 12, 1842.'"

(H. 78.) "An act in addition to chapter 81 of the Revised Statutes, in relation to religious and other societies."

(H. 90.) "An act authorizing a change of venue in cases in the County Court."

(H. 112.) "An act to protect the character of women."

(H. 129.) "An act in addition to chapter 18, of the Revised Statutes, relating to common schools."

(H. 80.) "An act relating to Engine Company No. 3, in Burlington."

(H. 81.) "An act to pay Simeon Herrick the sum therein mentioned."

(H. 135.) "An act relating to the duties of Chancellor."

(H. 89.) "An act to alter the name of Nancy Taylor Johnson."

(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix."

(H. 123.) "An act granting a ferry to Harry Hill."

(H. 54.) "An act to alter the name of Harriet Wilson."

(H. 105.) "An act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr."

(H. 64.) "An act to pay Richard F. Abbot the sum therein mentioned."

(H. 127.) "An act to pay Isaiah Matteson the sum therein mentioned;"  
and

(H. 117.) "An act in addition to 'an act incorporating the Norwich University.'"

(H. 90.) I am directed, in compliance with the request of the Senate, to return the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned."

(H. 90.) On motion of Mr. Briggs, the vote refusing the third reading to the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned," was reconsidered.

And, on motion of Mr. Cutts, the bill was

*Ordered to lie upon the table.*

(H. 11.) The Senate took up the House bill on the table, entitled "an act relative to the incorporation of Fire Insurance Companies."

And the third reading thereof was refused.

(H. 8.) The House bill entitled "an act to incorporate the Grafton Fire Company," was taken up.

And the third reading thereof was refused.

(S. 34.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act in relation to Rail Roads," reported the same, with the opinion of the Committee that it ought not to pass.

And the question being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—9.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

So the bill was lost.

(H. 88.) The Senate took up the House bill on the table, entitled "an act relating to recognizance of sheriffs."



And the third reading thereof was refused.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows :

House bills No. 125, No. 119, No. 3, No. 47, No. 135, No. 112, No. 96, and No. 78, to the Committee on the Judiciary.

House bills No. 130, No. 81, and No. 80, to the Committee on Military Affairs.

House bills No. 126, No. 111, No. 128, No. 127, and No. 64, to the Committee on Claims.

House bills No. 121, No. 122, and No. 105, to the Committee on Finance.

House bill No. 124, to the Committee on Banks.

House bill No. 129, to the Committee on Education.

House bill No. 123, to the Committee on Roads and Canals.

House bill No. 117, to the Committee on Manufactures ; and

House bills No. 54, No. 89, and No. 131 to the select Committee raised on the petition of Lucius H. Cathan.

On motion of Mr. Briggs,

The Senate adjourned.

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WEDNESDAY, NOV. 1, 1843.

Prayer by the Chaplain.

On motion of Mr. Briggs, the reading of the journal of yesterday was dispensed with.

(S. 3.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act in amendment of chapter 28 of the Revised Statutes, relating to the arrest of debtors," reported the same adversely, and,

On motion of Mr. Briggs,

It was indefinitely postponed.

(H. 47.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill No. 47, reported the same adversely.

And the third reading thereof was refused.

(H. 119.) Mr. Sargeant, from the same Committee, to whom had been referred the House bill entitled "an act relating to costs in civil actions," reported the same without amendment.

And it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution reative to the west gate of the State House Yard, and a resolution relating to the 16th regiment of the militia of this State, in which resolutions they request the concurrence of the Senate.

I am directed to communicate to the Senate, certain resolves of the Legislatures of the States of Georgia and Alabama, on the subject of repudiation and the assumption of State debts, heretofore transmitted to the House of Representatives for the use of the General Assembly, together with the report and resolution thereon from the Committee of the House, and to request the concurrence of the Senate in passing the said resolution.

The resolution from the House of Representatives, providing for the appointment, by the Governor, of a Committee to examine the books, records, &c. of the 16th regiment of the Vermont Militia, was read.

Mr. Cahoon moved to amend the same by striking out the words "16th regiment," and insert in lieu thereof, the words "all the regiments."

And it was so ordered.

And the resolution, as amended, was passed in concurrence.

(H. 3, H. 96.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred House bills No. 3, and No. 96, reported the same, with the opinion of the Committee that they ought not to pass.

And the third reading of said bills was severally refused.

(H. 125.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act fixing the times for holding the County Court in Washington County," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 112.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act to protect the character of women," reported the same, with a proposal to amend the same by striking from the title the words "to protect the character of women," and insert in lieu thereof the words "relating to the action of slander."

And it was so ordered.

And the third reading thereof was, thereupon, refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur in passing the resolutions of the Senate on the subject of Slavery and the annexation of Texas to this Union; and they have passed a resolution providing for a suspension of the 13th Joint Rule, and certain others relating to Slavery, in which resolutions they request the concurrence of the Senate.

The resolution of the House of Representatives, providing for a suspension of the 13th Joint Rule until half past 10 o'clock this morning, was read, and,

On motion of Mr. Briggs,

Ordered to lie upon the table.

(H. 124.) Mr. Starr, from the Committee on Banks, to whom had been referred the House bill entitled "an act in relation to the duties of the Bank Commissioner," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 78.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in addition to chapter 81 of the Revised Statutes; in relation to religious and other societies," reported the same, without amendment.



And it was read the third time and passed in concurrence.

(H. 135.) Mr. Butler, from the same Committee, to whom had been referred the House bill entitled "an act relating to the duties of Chancellor," reported the same without amendment.

And the third reading thereof was refused.

(H. 111.) Mr. Cutts, from the Committee on Claims, to whom had been referred the House bill No. 111, reported the same adversely.

And the third reading thereof was refused.

(H. 128.) Mr. Farr, from the Committee on Claims, to whom had been referred the House bill entitled "an act making an appropriation to the Vermont Asylum for the Insane," reported the same, with the opinion of the Committee that it ought to pass.

And it was read the third time and passed in concurrence.

(H. 130.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act in relation to military fines," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 126.) Mr. Plumb, from the Committee on Claims, to whom had been referred the House bill No. 126, reported the same adversely.

And the third reading thereof was refused.

(H. 105.) Mr. Camp, from the Committee on Finance, to whom had been referred the House bill entitled "an act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr.," and the House bill (H. 122,) entitled "An act in addition to "an act relating to public accounts," approved Nov. 12, 1842," reported the same respectively, with the opinion that they ought to pass.

And they were severally read the third time and passed in concurrence.

(H. 81.) Mr. Thompson, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act to pay Simeon Herrick the sum therein mentioned," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 129.) Mr. Sabin, from the Committee on Education, to whom had been referred the House bill entitled "an act in addition to chapter 18 of the Revised Statutes, relating to common schools," reported the same without amendment.

And it was read the third time and passed in concurrence.

Mr. Cahoon, from the select Committee, to whom had been referred the report of Governor Paine in relation to the Deaf and Dumb, the Insane Poor, and the Blind, made the following report (see Appendix,) accompanied by the following resolution:

*Resolved*, by the Senate and House of Representatives, that the Governor be requested to appoint a Committee to devise the best means of alleviating the unfortunate condition of the insane who are deemed incurable, and report to the next General Assembly, by bill or otherwise.

And the said resolution was read and passed.

(H. 90.) Mr. Cutts called up the House bill on the table entitled "an act to pay Edward G. Babcock the sum therein mentioned."

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,  
Messrs. A. Allen, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Morgan, Munsill, Plumb, Read, Sabin, Sargeant, Sprague, Starr, Stone and Thompson—20.

Those Senators who voted in the negative are,  
Messrs. E. Allen, Bass, Butler, Camp, Farr, Mott and Scott—7.  
So the bill passed in concurrence.

Mr. Munsill, from the Committee on Finance, to whom had been referred the report of the Auditor in the Treasury on the School Fund, and that portion of the Governor's message which relates to the subject of education, reported that, in the opinion of the Committee, no legislative action is required thereon.

Mr. Thompson, from the select Committee on the petition of Lucius H. Cathan, to whom had been referred the House bills entitled

(H. 54.) "An act to alter the name of Harriet Wilson,"

(H. 59.) "An act to alter the name of Nancy Taylor Johnson," and

(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix," reported the same without amendment.

And they were severally read the third time and passed in concurrence.

Mr. Briggs, from the select Committee raised on the report of Henry Stevens, relative to the Revolutionary claims of Vermont on the General Government, made the following report (see Appendix,) accompanied by the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, that the Governor of this State be requested to make, or cause to be made, an examination of the papers and correspondence collected by Henry Stevens Esq., relating to the early and Revolutionary history of this State, and to take such measures as he shall judge will be most beneficial to the interests of the State in procuring and preserving the same.

(H. 1.) Mr. A. Allen called up the House bill on the table entitled "an act to repeal an act in relation to the militia."

And the question being, Shall the bill be read the third time and passed?

The yeas and nays, being demanded by Mr. Farr, were as follows :

Those Senators who voted in the affirmative are,

Messrs. Bass, Farr and Phillips—3.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bingham, Briggs, Butler, Camp, Cutts, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—23.

So the the third reading was refused.

On motion

The Senate adjourned.

## AFTERNOON.

Mr. E. Allen, from the select Committee raised on the reports of the Secretary of State, the Secretary of the Senate, and the Clerk of the



House of Representatives, and of the Auditor of Accounts, made in pursuance of resolutions of the Senate, made the following report: (See Appendix.)

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the House bills entitled

(H. 68.) "An act relating to imprisonment of debtors," and

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(S. 2.) The House concur with the Senate in passing the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children;'" and do not concur in the amendment of the Senate to the House bill (H. 91,) entitled "an act providing for the collection of taxes assessed on real estate."

(S. 5.) The House have considered the Senate bill entitled "an act relating to assignments," and have resolved to pass the same with an amendment, in which they request the concurrence of the Senate.

Mr. Field, from the Committee on Roads and Canals, to whom had been referred the petition of inhabitants of Bellows Falls, reported the same, with the opinion that no legislative action is expedient thereon.

(S. 12.) Mr. Porter, from the Committee on Manufactures, to whom had been referred the bill entitled "an act to prevent frauds in the sale of leather; in alteration of chapter 68 of the Revised Statutes," reported the same adversely.

And the third reading thereof was refused.

(H. 117.) Mr. Porter, from the same Committee, to whom had been referred the House bill entitled "an act in addition to an act incorporating Norwich University," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 80.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act relating to Engine Company No. 3, in Burlington," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 123.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act granting a ferry to Harry Hill," reported the same without amendment.

And it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution relating to the Insane.

(S. 33.) The House have considered the Senate bill entitled "an act relating to repairs of bridges," and have resolved to pass the same, with an amendment, in which they request the concurrence of the Senate.

The House concur with the Senate in passing the Senate bills entitled

(S. 22.) "An act altering the names of persons therein mentioned,"

(S. 38.) "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842,"

(S. 16.) "An act to incorporate the Champlain and Connecticut River Rail Road Company,"

(S. 31.) "An act to encourage and promote agriculture,"

(S. 8.) "An act relating to the settlement of estates,"

(S. 29.) "An act relating to process," and

(S. 37.) "An act repealing section 9, of chapter 33 of the Revised Statutes."

(H. 17.) The House have considered the amendment of the Senate to the House bill entitled "an act relating to the sale of property on execution," and have resolved to concur therein.

Mr. Green, from the select Committee, to whom was referred the petition of inhabitants of Benson, reported the same, with the opinion that the prayer thereof ought not to be granted, and recommended that the petitioners have leave to withdraw their petition.

And the leave was granted.

(H. 121.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bills entitled "an act making appropriations for the support of Government," and

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned," reported the same without amendment.

And they were severally read the third time and passed in concurrence.

(S. 33.) The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "an act relating to repairing bridges," which is as follows:

Add to the bill:—"Provided, nevertheless, that the authority herein granted shall not be exercised by the selectmen of any town in this state, unless the town to which such selectmen belong shall, at their annual March meeting, by vote, confer such power on their selectmen."

And it was resolved not to concur therein.

(H. 108.) The Senate took up the House bill on the table, entitled "an act for the protection of personal liberty."

Mr. Sabin moved to amend the same by inserting the following proviso after section 5, to wit:

Provided, that this act shall not be construed to extend to any citizen of this state acting as a Judge of the Circuit or District Court of the United States, or as Marshal or deputy Marshal of the District of Vermont, or to any person acting under the command or authority of said Courts or Marshal.

And it was so ordered.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Camp, were as follows:

Those Senators who voted in the affirmative are,  
Messrs. Bass, Bingham, Green, Griswold, Harris, Mott, Munsill, Read, Sabin, Sargeant, Scott, and Starr—13.

Those Senators who voted in the negative are,  
Messrs. A. Allen, Camp, Cutts, Morgan, Porter, Sprague, Stone and Thompson—8.

So the bill, as amended, was passed in concurrence.

(S. 5.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "an act relating to assignments."

And it was resolved to concur therein.

(H. 91.) The Senate further considered their amendments to the House



bill entitled "an act providing for the collection of taxes assessed on real estate."

And resolved to insist on the same.

The Resolution from the House of Representatives relative to keeping open the West Gate of the State House yard, was read, and the passage refused.

The Senate took up the resolutions from the Legislatures of Georgia and Alabama, relative to Repudiation and the assumption of State Debts, together with the resolution of the House of Representatives thereon.

And they were referred to the Committee on Finance, who reported the same, with the opinion of the Committee that no legislative action is required thereon.

And the resolution was

*Ordered* to lie upon the table.

The Senate proceeded to consider the resolutions from the House of Representatives, relative to Slavery.

And, on motion of Mr. Camp, they were

*Ordered* to lie upon the table.

(H. 127.) Mr. Farr, from the Committee on Claims, to whom had been referred the House bill entitled "an act to pay Isaiah Matteson the sum therein mentioned," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 64.) Mr. Farr, from the same Committee, to whom had been referred the House bill entitled "an act to pay Richard F. Abbot the sum therein mentioned," reported the same, with an amendment, which was adopted.

And the third reading thereof was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the following Senate bills:

(S. 35.) "An act relating to the sale of property on *mesne process*, in addition to chapter 28 of the Revised Statutes;" and

(S. 23.) "An act in addition to an act in relation to the militia."

(S. 36.) And also the bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841," with an amendment, in which they request the concurrence of the Senate.

(H. 108.) The House have considered the amendments of the Senate to the House bill entitled "an act for the protection of personal liberty," and have resolved to concur therein.

(S. 33.) The House have further considered their amendment to the Senate bill entitled "an act relating to repairs of bridges," and resolve to insist thereon; and the amendments of the Senate to the House bill (H. 91,) entitled "an act providing for the collection of taxes assessed on real estate," and resolve to insist on their disagreement thereto.

The House have passed a resolution relative to vouchers in the offices of the Treasurer and the Auditor of Accounts, and a resolution relative to repairing the West Wing of the State House, and request the concurrence of the Senate therein.

The House have considered the resolution from the Senate relative to Revolutionary papers and correspondence collected by Henry Stevens, and resolve to pass the same with an amendment, in which they request the concurrence of the Senate.

(H. 87.) Mr. A. Allen called up the House bill on the table entitled "an act in addition to the several acts regulating the militia."

And the third reading thereof was refused.

(S. 36.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "an act relating to the grand list; in alteration of an act approved Nov. 11, 1841."

And it was resolved to concur therein.

The resolution from the House of Representatives, directing the destruction of certain vouchers in the offices of the Treasurer and Auditor of Accounts, was taken up, read, and the passage thereof refused.

Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolutions of New Jersey relating to repudiation of State Debts, reported the same (see Appendix,) with the following resolutions:

*Resolved*, by the Senate and House of Representatives of the State of Vermont, that this State has no sympathies with that legislation which violates the pecuniary obligations of a State, and takes shelter under State sovereignty, to evade the force of those obligations; that such a course is a violation of that good faith, and high moral principle, which should regulate the conduct alike of governments and individuals.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executives of New Jersey and the several other States.

And the said resolutions were read and passed.

Mr. Briggs, from the same Committee, to whom had been referred the resolutions of the Legislature of Massachusetts, "concerning French depredations on American commerce previous to the Convention of 1800," reported the same with the opinion that no legislative action thereon is expedient.

The resolution from the House of Representatives, relative to repairing the West Wing of the State House, was read and passed in concurrence.

(S. 33.) The Senate proceeded further to consider the amendment of the House of Representatives to the bill entitled "an act relating to repairs of bridges,"

And it was resolved to insist on their disagreement thereto.

The Senate considered the amendment of the House of Representatives to the resolution of the Senate relating to Revolutionary papers and correspondence collected by Henry Stevens, which is as follows:

Strike out the last two words of the resolution, to wit, the words "the same," and insert "said papers and correspondence, together with all such revolutionary rolls as have been collected by said Stevens; and also two brass cannon taken from the British army at Bennington in this State, and now at the city of Washington."

And it was resolved to concur therein.

(H. 91.) The Senate further considered their amendment to the House bill entitled "an act providing for the collection of taxes assessed on real estate."

And it was resolved to adhere thereto.

And, on motion of Mr. Sprague,

The Secretary was directed to request a free conference on the disagreeing votes of the two Houses thereon.



And Mr. Sprague, Mr. Camp, and Mr. Cahoon, were appointed managers at the same, on the part of the Senate.

On motion

The Senate adjourned.

## EVENING.

Mr. Thompson, from the Committee on Bills, made the following report:

The Committee on bills report that they did, this afternoon, present to the Governor for his approval and signature, the following entitled bills:

(H. 107.) "An act altering the name of the town of Orleans to that of Coventry."

(H. 82.) "An act for the relief of the town of Glastenbury."

(S. 38.) "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842."

(S. 22.) "An act altering the names of persons therein mentioned."

(S. 2.) "An act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(H. 54.) "An act to alter the name of Harriet Wilson."

(H. 125.) "An act fixing the times of holding the County Courts in Washington County."

(H. 80.) "An act relating to Engine Company No. 3, in Burlington."

(H. 81.) "An act to pay Simeon Herrick the sum therein mentioned."

(H. 105.) "An act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr."

(H. 124.) "An act in relation to the duties of the Bank Commissioner."

(H. 122.) "An act in addition to 'an act relating to public accounts, approved Nov. 12, 1842.'"

(H. 130.) "An act in relation to military fines."

(H. 78.) "An act in addition to chapter 81 of the Revised Statutes, in relation to religious and other societies."

(H. 68.) "An act relating to imprisonment of debtors."

(S. 37.) "An act relating to new trials."

(S. 16.) "An act to incorporate the Champlain and Connecticut River Rail Road Company."

(S. 8.) "An act relating to the settlement of estates."

(S. 31.) "An act to encourage and promote agriculture."

(S. 29.) "An act relating to process."

(H. 117.) "An act in addition to 'an act incorporating the Norwich University.'"

(H. 89.) "An act to alter the name of Nancy Taylor Johnson."

(H. 119.) "An act relating to costs in civil actions."

(H. 90.) "An act authorizing a change of venue in cases in the County Court."

(H. 121.) "An act making appropriation for the support of Government."

(H. 129.) "An act in addition to chapter 18, of the Revised Statutes, relating to common schools."

(H. 128.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 127.) "An act to pay Isaiah Matteson the sum therein mentioned."

(H. 123.) "An act granting a ferry to Harry Hill."

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix."

Mr. Briggs called up the resolution from the House of Representatives providing for a suspension of the 13th Joint Rule, and moved to amend the same by inserting in lieu of "half past 10 o'clock this morning," the words "eight o'clock this evening."

And it was so ordered.

And the resolution, as amended, was lost.

On motion of Mr. Briggs,

(H. 135.) The Secretary was directed to request of the House of Representatives to return to the Senate the House bill entitled "an act relating to the duties of Chancellor," which had been non-concurred in by the Senate.

(H. 92.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bill entitled "an act assessing a tax for the support of Government," reported the same without amendment.

Mr. Cahoon moved to amend the same by inserting before the word "cents" the word "twelve," in lieu of the word "ten."

And the amendment was rejected.

And the bill was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the services of the militia and volunteers of this State in the battle of Plattsburgh, in which they request the concurrence of the Senate.

(H. 135.) I am directed, in conformity with their request, to return to the Senate the House bill entitled "an act relating to the duties of Chancellors."

(S. 10.) The House have considered the Senate bills entitled "an act to pay William Maxham the sum therein mentioned," and

(S. 28.) "An act in amendment of an act in relation to the militia," and resolve to pass the same, with amendments, in which they request the concurrence of the Senate.

(H. 91.) The House have further considered the amendments of the Senate to the bill entitled "an act providing for the collection of taxes assessed on real estate," and resolve to adhere to their disagreement; and agree to the free conference requested by the Senate on the disagreeing votes of the two Houses on said amendment, and have appointed Mr. Whittemore, Mr. Vilas, and Mr. Hibbard, managers at the same, on their part.

The Senate proceeded to consider the resolution from the House of Representatives, relative to procuring from the United States Government



remuneration for the services of the militia and volunteers of this State in the battle of Plattsburgh.

And it was passed in concurrence.

(H. 135.) On motion of Mr. Briggs, the vote refusing the third reading to the House bill entitled an act relating to the duties of Chancellor," was reconsidered.

And the bill was read the third time and passed in concurrence.

(S. 28.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "an act in amendment of an act in relation to the militia," which are as follows:

Insert in section 6, after the words "ministers of the gospel," the words "members of the religious denomination of quakers;" and add to the bill as follows:

"Section 22. The clerk of each company shall, on or before the second Tuesday in June annually, make return of the name of each member of said company who shall be fully uniformed and equipped, to the clerk of the town where such member resides."

And it was resolved to concur in adopting said amendments.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have further considered their amendment to the Senate bill (S. 33,) entitled "an act relating to repairs of bridges," and have resolved to adhere thereto.

The House concur with the Senate in passing the resolutions relative to repudiation of State Debts; and have passed a resolution relative to the debentures of officers of the Senate and House of Representatives who are appointed by the Sergeant-at-Arms, in which they request the concurrence of the Senate.

(S. 10.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "an act to pay William Maxham the sum therein mentioned," which is as follows:

Strike out the words "and interest on the same amounting to \$7,38."

And it was resolved to concur therein.

The resolution from the House of Representatives relative to the debentures of officers appointed by the Sergeant-at-Arms, was read and passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has this day approved and signed Senate bills No. 37, No. 38, No. 29, No. 2, No. 8, No. 31, No. 22, and No. 16.

(S. 33.) The Senate proceeded further to consider the amendment of the House of Representatives to the bill entitled "an act relating to repairs of bridges."

And resolved to adhere to their disagreement thereto.

So the bill was lost.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed certain resolutions relative to the existing Tariff; a resolution relative to the fine imposed on Gen. Jackson by Judge Hall; and a resolution providing for a suspension of

the 13th Joint Rule, in each of which they request the concurrence of the Senate.

The Resolutions from the House of Representatives relative to the existing Tariff, were read.

Mr. Farr moved that they be laid on the table.

Which motion was lost.

And they were, thereupon, passed in concurrence.

(H. 91.) Mr. Sprague, from the Committee of free conference on the disagreeing votes of the two Houses, on the House bill entitled "an act providing for the collection of taxes assessed on real estate," reported that they had met the conferees on the part of the House of Representatives, and that they had agreed that the said conferees on the part of the House should recommend to the House of Representatives to recede from their disagreement to the amendment of the Senate.

The Senate took up the resolution from the House of Representatives, providing for a suspension of the 13th Joint Rule until 11 o'clock this evening.

And it was read and passed in concurrence.

Mr. Scott, from the Committee on Bills, made the following report:

The Committee on Bills report that they have, this day, presented to the Governor for his approval and signature, bills of the following titles:

(S. 36.) "An act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

(H. 92.) "An act assessing a tax for the support of Government."

(H. 135.) "An act relating to the duties of Chancellors."

(H. 108.) "An act for the protection of personal liberty."

(H. 17.) "An act relating to the sale of property on execution."

(S. 35.) "An act relating to the sale of property on *mesne process*, in addition to chapter 28 of the Revised Statutes."

(S. 5.) "An act relating to assignments."

(S. 23.) "An act in addition to an act in relation to the militia."

(S. 10.) "An act to pay William Maxham the sum therein mentioned."

(S. 28.) "An act in amendment of an act in relation to the militia."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 133,) entitled "an act relating to the Bank of Poultney," in which they request the concurrence of the Senate.

(H. 91.) The House have adopted the report of the Committee of free conference on the disagreeing votes of the two Houses on the bill entitled "an act providing for the collection of taxes assessed on real estate," and recede from their disagreement to the amendment of the Senate, and have resolved to concur therein.

The Senate proceeded to consider the resolutions from the House of Representatives (see House Journal,) relative to the repayment of the fine imposed by Judge Dominick Hall, on General Jackson.

And they were read.

Mr. Cahoon moved that the said resolutions be indefinitely postponed.

And on this question, Mr. Butler demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,



Messrs. Bass, Butler, Cahoon, Farr, Griswold, Scott and Sprague—7.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Green, Hubbard, Porter, Plumb, Read, Sabin, Sargeant and Stone—13.

So the motion was lost.

Mr. Cahoon moved that the said resolutions be laid on the table.

Which motion was rejected.

And the question being, Will the Senate pass the resolutions in concurrence?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Green, Hubbard, Porter, Plumb, Read, Sabin, Sargeant and Starr—13.

Those Senators who voted in the negative are,

Messrs. Bass, Butler, Cahoon, Farr, Griswold, Scott and Sprague—7.

So the resolutions were passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has this day approved and signed Senate bills No. 5, No. 36, No. 35, No. 10, and No. 23.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives do not concur in passing the bills from the Senate entitled

(S. 14.) "An act in amendment of an act approved Nov. 12, 1842, relating to advertisement of lands to be sold for taxes," and

(S. 39.) "An act relating to the first and second Judicial Circuits."

His Excellency the Governor has announced to the House that he has this day approved and signed the following House bills:—No. 92, No. 135, No. 108, No. 2, No. 121, No. 90, No. 130, No. 128, No. 78, No. 54, No. 82, No. 122, No. 81, No. 129, No. 124, No. 89, No. 127, No. 105, No. 68, No. 80, No. 119, No. 107, No. 117, No. 125, No. 93, No. 123, and No. 131.

(S. 6.) The House do not concur with the Senate in passing the bill entitled "an act relating to the punishment of capital crimes."

Mr. Cahoon presented the following resolution:

*Resolved*, That the thanks of the Senate be cordially tendered to His Honor, Horace Eaton, for the able, impartial and courteous mannner, in which he has discharged the duties of its presiding officer during the present session of the General Assembly.

And it was read and unanimously passed.

Whereupon the President addressed the Senate as follows:

*Gentlemen of the Senate,*—

While I am constrained to regard the expressions of kindness just tendered me as the tribute of generosity rather than of justice, I feel bound to return you for it my most cordial acknowledgements; for although undeserved, I cannot doubt that it is heartfelt and sincere. In the adoption of the resolution which you have just passed, there is implied a readiness on your part to overlook my errors, and I too will pass them by, with the bare remark that I am conscious they have not been few.

I have received from you, gentlemen, during the session, all that generous aid which I presumed to anticipate; and I trust the magnanimity and



kindness which prompted you to render it, are duly appreciated, and will be long and gratefully remembered.

To speak now of yourselves more especially, irrespective of your relations to your presiding officer, permit me to say, that in the gentlemanly character of your intercourse with each other, in the elevation of the motives by which you have seemed to be actuated, and in the ability with which you have transacted the business of the session, if my judgment may pass for aught, you may well and justly claim to have maintained the dignity and preserved the honor of the body of which you are members. The last moments of the session are passing away, and the Senate of Vermont is yet without reproach—its history still without a stain.

May I not indeed say more than this, without transgressing the limits of strict truth and justice? During the session, various interesting and important subjects have come under your consideration, in the discussion of which, there have been exhibited, on repeated and numerous occasions, (unless some partiality of feelings has strangely blinded my judgment,) an ability in debate, a force of argument and a warmth of eloquence, which I have scarcely known equalled in this Senate chamber, and which I believe would do credit to the deliberative assemblies of any state in the Union. At all events, I cannot but think they have added to the honor of our own. And amidst the warmth and zeal which these occasions of intellectual strife have excited, there have been exhibited a dignity, an urbanity, and an exemption from all appearance of personal animosity, which might serve as an example for other legislative bodies of higher claims and loftier pretensions.

And there is one other characteristic feature of the present Session, which I apprehend must stand prominent on its records, and which I have already alluded to; but I cannot forbear to notice it more particularly. I mean, its freedom from the appearances of party movement for mere party purposes. The members of this Senate have seemed to me to be aiming at nobler ends, and to be influenced by higher and worthier considerations. Could we see the like exhibited in the Councils of our Nation, we might hope that a brighter day was dawning upon our Country. From your demeanor in these respects, I have derived a fresh guarantee for the truth of the sentiment which I have long been proud and happy to maintain, that the stern and unconquerable love of freedom, which has characterized our "Green Mountain State" from its earliest history, was not a mere untameable impatience of the restraints of law, pursuing only its own selfish purposes,—but an elevated and patriotic principle, aiming at far higher and holier ends—the promotion of public good, and the advancement of a people's happiness.

I do not consider, gentlemen, that an occasion like the present, demands, as a matter of course, such commendations as I have presumed to speak; and being *gratuitous*, they would not have been uttered, had I not deemed that the truth would justify them, or rather, that justice demanded them; and had I not believed, too, that those of you who are most experienced, would most amply sustain my opinions, and fully clear me from the charge of lavishing unmerited eulogy.

My intercourse with you, gentlemen, during the short season for which we have been associated together, has been pleasant and gratifying; and for your generosity to me during the Session, as well as for this renewed pledge of kindly feelings at its close, I again tender you my warmest thanks. To say merely that I entertain towards each of you feelings of high respect and esteem, would be but an inadequate discharge of the obligations



under which I am laid; and it were language too, too cold to satisfy the promptings of my heart. And at this hour of separation, when cold and rigid formality may be in some measure laid aside, I will so far yield to those promptings as to assure you, that I believe the friendly sentiments which I cherish towards the members of this Senate, and the gratitude which I feel for all their kindness, will not prove the mere transient emotions of an hour—awakened into existence by the impulse of a softening moment, and doomed to pass away with the occasion which gave them birth;—but rather that they are destined to be treasured up with other cherished friendships—other precious and endearing remembrances of the past, which will cling to my heart until its pulsations shall flag in the decrepitude of age, or the approach of dissolution.

Your duties to the state, for the session, being brought to a close, may a kind and beneficent Providence bear you safely to your firesides and your homes.

(H. 91.) Mr. Scott, from the Committee on Bills, reported that they had this day submitted to His Excellency the Governor, for his approval and signature, the House bill entitled “an act providing for the collection of taxes assessed on real estate.”

On motion of Mr. Briggs, it was

*Ordered*, That when the Senate adjourn, it will adjourn to meet to-morrow morning at half past 6 o'clock.

On motion

The Senate adjourned.

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THURSDAY, NOV. 2, 1843.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with.

(S. 133.) The Senate proceeded to consider the bill from the House of Representatives entitled “an act relating to the Bank of Poultney.”

And it was read the first and second times, the rule requiring a reference suspended, and read the third time.

And the question being, Shall the bill pass?

Mr. Munsill demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bingham, Butler, Cutts, Griswold, Porter, Plumb, Sabien and Scott—9.

Those Senators who voted in the negative are,

Messrs. Cahoon, Farr, Green, Hubbard, Munsill, Sprague and Starr—7.

So the bill was passed in concurrence.

Mr. Starr moved that a message be sent to His Excellency the Governor, or, apprising him that the Senate have, on their part, completed the business of the Session, and are ready to adjourn *sine die*.

And it was so ordered, and Mr. Starr appointed by the President to communicate the message.

The Secretary was directed to communicate a like message to the House of Representatives.

Mr. Starr reported that he had performed the service assigned to him.

(H. 133.) Mr. Scott, from the Committee on Bills, reported that they had, this day, submitted to the Governor, for his approval and signature, the bill entitled "an act relating to the Bank of Poultney."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—His Excellency the Governor has announced to the House of Representatives, that he did, yesterday, approve and sign the House bill No. 91, and that he has, this day, approved and signed House bills No. 133, and No. 17.

I am directed to inform the Senate that the House of Representatives have, on their part, completed the business of the session, and are ready to adjourn without day.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he did, yesterday, approve and sign the bill (S. 28,) entitled "an act in amendment of an act in relation to the militia;" and, also, to inform the Senate, that he has no farther communication to make to them.

Whereupon

The President adjourned the Senate *sine die*.

D. W. C. CLARKE,  
Secretary of the Senate.



And it was so ordered, and Mr. Starr appointed by the President to communicate the message.

The Secretary was directed to communicate a like message to the House of Representatives.

Mr. Starr reported that he had performed the duty assigned to him.

H. 183. Mr. Scott from the Committee on Education and the Interior, had this day submitted to the Governor for his approval and signature the bill entitled "an act relating to the Bank of Palestine."

A message from the House of Representatives by Mr. Merrill, Clerk:

Mr. President:—The Excellency the Governor has announced to the House of Representatives that he did yesterday, approve and sign House bill No. 91, and that he has this day approved and signed House bills No. 133, and No. 17.

I am directed to inform the Senate that the House of Representatives have on their part completed the business of the session, and are ready to adjourn without delay.

A message from the Excellency the Governor, by Mr. Wells, Secretary of Civil and Military Affairs:

Mr. President:—I am directed by the Governor to announce to the Senate that he did yesterday, approve and sign the bill H. 85, entitled "an act in amendment of an act in relation to the militia," and also to inform the Senate, that he has up further communication as referred them.

Whereupon

The President adjourned the Senate sine die.

D. W. C. CLARK

Secretary of the Senate

# TO THE AUDITOR OF ACCOUNTS OF THE STATE OF VERMONT.

The undersigned Auditor of the Treasury, having audited, examined and settled all the accounts in the Treasury Department, with the Treasurer, for the current year, submits the following report:

The State of Vermont in account with John S. Sargent, Esq., Treasurer:

To Cash paid

Debiture of General Assembly. \$17,270 65

Debiture of Convention. 6350 61

Gov. Faneuil, Debiture of last year's salary. 375 00

Debiture of Supreme Court part of last and 6,513 63

Debiture of the School Fund. 500 00

J. McM. Kinsler, Secretary of State, half year's 137 50

C. L. Sargent, Secretary of State, last year's salary of Secretary of State, 127 50

F. F. Merrill, one half of last year and one half of the present year's salary. 275 00

A. L. Brown, Assistant Clerk, one half of last year's salary. 62 50

J. Poland, Assistant Clerk, one half year's salary. 62 50

W. L. Clarke, Secretary of the Senate, one half of last and one half of the present year's salary. 250 00

H. A. Stansbury, Assistant Secretary of Senate, one half of last and one half of this year's salary. 125 00

H. S. Sargent, Secretary of Civil and Military Affairs, remainder of last and part of present year's salary. 150 00

Del. Sargent, one half of last year's salary as 75 00

A. L. Brown, Engineering Clerk, one half year's salary. 75 00

A. W. Sargent, Engineer, one half year's salary. 50 00

## APPENDIX.



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APPENDIX

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# TO THE AUDITOR OF ACCOUNTS, OF THE STATE OF VERMONT.

The undersigned, Auditor in the Treasury, having "audited, examined and settled all the accounts in the Treasury Department, with the Treasurer," for the current year, submits the following report.

*The State of Vermont in account with JOHN SPALDING, Esq., Treasurer:*  
Dr.

## To Cash paid

Debenture of General Assembly,	\$17,270 65
Debenture of Convention,	6,320 61
Gov. Paine, balance of last and part of present year's salary,	375 00
Judges of the Supreme Court part of last and present year's salary,	6,513 63
John Spalding, Treasurer, and Commissioner of the School Fund,	500 00
J. McM. Shafter, Secretary of State, half year's salary,	137 50
C. L. Knapp, Assistant Secretary, one half of last year's salary of Secretary of State,	137 50
F. F. Merrill, one half of last year and one half of the present year's salary,	275 00
A. L. Brown, Assistant Clerk, one half of last year's salary,	62 50
J. Poland, Assistant Clerk, one half year's salary,	62 50
D. W. C. Clarke, Secretary of the Senate, one half of last and one half of the present year's salary,	250 00
E. A. Stansbury, Assistant Secretary of Senate, one half of last and one half of this year's salary,	125 00
H. Hale, Secretary of Civil and Military Affairs, remainder of last and part of present year's salary,	150 00
Oel Billings, one half of last year's salary as Engrossing Clerk,	75 00
A. L. Brown, Engrossing Clerk, one half year's salary,	75 00
A. W. Kinney, Librarian, one half year's salary,	50 00



To cash paid William Weston, reporter of decisions of Supreme Court, one fourth of last and three fourths of this year's salary,		450 00
D. Pierce, Auditor of Accounts, one year's salary,		150 00
F. W. Hopkins, Adjutant and Inspector General, one year's salary,		250 00
Wm. T. Burnham, Sargeant-at-Arms, last year and one half of the present year's salary,		225 00
Supreme and County Court orders,		18,509 78
Auditor's orders,		13,262 42
Commissioners of deaf, dumb and blind,		2,839 55
Drafts of Adjutant General, and Commandants of Regiments, expenses of drills,		3,500 50
Claims against State Prison, by special act of 1842,		14,991 26
Other special appropriations by acts of Legislature,		2,103 17
Fox certificates,		400 85
Bear and cub do.,		289 00
Wolf do.,		20 00
Cocoon and silk premiums,		1,786 17
Cash loaned on account of Safety Fund,		2,000 50
Ditto on account of School Fund,		957 10
Clerks of Courts for Court expenses,		13,279 92
Interest to Safety Fund Banks,		5,926 95
Two acceptances of former Treasurer of \$2,000 each in favor of Trustees of the Asylum for the Insane,		4,000 00
Interest on, ditto,		120 00
" on loan to A. Willard,		184 93
" on loan, to Bank of Burlington,		120 00
Note to J. R. Langdon, in part,		2,000 00
Sundry towns interest on surplus money, to Oct. 1st, 1842:		
Williston,	\$211 98	
Marlboro',	87 57	
Vergennes,	135 46	
St. George,	17 11	
Lemington,	20 30	
Victory,	10 63	
Canaan,	50 44	
Concord,	137 94	
Woodford,	58 91	
		730 34
Surplus money to Bloomfield,		52 38
Sundry sums of money borrowed, to wit:		
Of Bank of Montpelier,	\$2,000 00	
Middlebury,	3,000 00	
Vergennes,	3,000 00	
Caledonia,	3,000 00	
Burlington,	3,000 00	
Brattleboro',	3,000 00	
		17,000 00

## APPENDIX.

5

To cash paid interest on sundry sums of money borrowed,	610 33	
Balance in the Treasury, . . . . .	12,666 46	
		<u>\$150,856 00</u>
		CR.
By balance in the Treasury on the 30th Sept., 1842, . . . . .	\$9,368 50	
cash received for taxes, principal, . . . . .	\$90,124 93	
interest on arrearages of taxes, . . . . .	1,009 65	91,134 58
interest of South Hero on surplus fund, . . . . .		5 99
surplus money of South Hero, . . . . .		189 33
of Barnard, . . . . .		100 00
cash received of D. Pierce for sale of land, . . . . .		116 85
of United States distribution of public lands, . . . . .		10,213 61
of States Attorneys, . . . . .		4,603 31
of Clerks of Courts, . . . . .		544 98
on debenture accounts for fees received in . . . . .		1,794 95
civil suits, . . . . .		
borrowed of Banks, to wit:		
of Bank of Caledonia, . . . . .	\$3,000 00	
Burlington, . . . . .	3,000 00	
Montpelier, . . . . .	2,000 00	
Vergennes, . . . . .	3,000 00	
Middlebury, . . . . .	3,000 00	
Brattleboro', . . . . .	3,000 00	
		<u>17,000 00</u>
Safety Fund bank taxes, . . . . .	\$2,812 50	
Interest on Safety Fund notes, . . . . .	178 98	
		<u>2,991 48</u>
Collections on Safety Fund notes, . . . . .	\$6,483 72	
Interest on same, . . . . .	1,650 14	
		<u>8,133 86</u>
Bank taxes on dividend, for School Fund, . . . . .	\$3,219 56	
Pedler's licenses, . . . . .	1,439 00	
		<u>4,658 56</u>
		<u>\$150,856 00</u>

Which is respectfully submitted,

JOSEPH BERRY, Auditor.

September 15th, 1843.



## REPORT OF THE AUDITOR UPON THE SCHOOL FUND.

The Auditor in the Treasury, having audited the accounts of the Commissioner of the State School Fund, submits the following, as his annual report thereof and of the fund and all matters relating to it.

Said fund now amounts to the sum of . . . \$200,234 95

and is constituted of the following items, to wit:

Amount of School Fund, Sept. 30th, 1842, . . . \$184,942 22

Interest thereon the current year, . . . 10,634 17

Amount received from Bank dividends, . . . 3,219 56

" " " Pedlers' Licences, . . . 1,439 00

200,234 95

Of said fund the State is charged with the sum of . . .

173,154 00

Amount of outstanding loans to individuals on notes, . . .

24,983 29

Interest estimated thereon, . . . 2,097 66

\$200,234 95

Which is respectfully submitted,

JOSEPH BERRY, Auditor.

September 15th, 1843.

## REPORT OF HENRY STEVENS.

*To His Excellency, the Governor of the State of Vermont:*

Having been appointed by your predecessor, a commissioner to investigate the facts, and ascertain whether this State has a just claim upon the government of the United States for expenses incurred during the Revolutionary War, I reported to him in part, as by the inclosed. I now desire further to report to your Excellency as to my doings, and conclusions to which I have arrived:

Firstly, I call your Excellency's attention to my report made to your predecessor, as to the deficiency in our first records, both on the part of the Council and House of Representatives. When Mr. Fay, Secretary of State A. D. 1788, recorded from manuscripts our first volume of records now in the State Department, blank pages were left, with his certificate assigning a reason why they were not recorded. This deficiency of records, I have recovered, with few exceptions. The year past I visited Hon. Ira H. Allen, and was presented with all the documents and manuscript papers of a public nature, left by his honored father. Among these papers, I found many of the doings of the Council of Safety, previous to the 15th of August A. D. 1777 (of which we have no record,) and afterwards to February A. D. 1779. I also found the pay rolls and manuscript Journals of the Assembly of March, June and October 1778, as well as several manuscript laws, duly certified, of those three sessions, which were never recorded.

I here found many original letters received, and copies sent by the Cabinet of this State, to the President of the Continental Congress, General Washington, Governors of the New England States, and the Governor of New York, as well as the correspondence to and from the British Commanding General in Canada, and his commissioners. Much of this correspondence was of a confidential nature and of the utmost importance, so far as relates to the independence of this State at the time, as well as to the success of the American arms. The Commanding General of the American armies did, upon recommendation of General Benjamin Lincoln, send his Commissioner to consult with the Cabinet of the Green Mountain Boys as to their ability so to manage as to keep the British army (from seven to ten thousand) in Canada and at Ticonderoga and Crown Point. The Commanding General became satisfied of our ability so to do, and was thereby enabled to make such distribution of the continental troops as frustrated the designs of the enemy, and by this negotiation was enabled to draw several regiments from the eastern and northern to the southern department, and was thereby enabled to capture Lord Cornwallis's army A. D. 1781. Strange as it may appear, the Commanding General of the American army, through his Commissioner and General Lincoln, consulted with the Cabinet Council of the Green Mountain Boys at the period alluded to. Yet it is a fact now not to be denied. I am fully



justified when I say this important negotiation, between the Commanding General and the Cabinet Council of this State, was not made known to the Governors or Assemblies of the N. England States or New York, nor the commanding officers of the northern or eastern departments, or to Congress.

This negotiation was pending when the Commanding General was officially informed by distinguished public officers in the eastern department that Concord and Charlestown, New Hampshire, must, under certain contingencies, be made the northern line of defence; and officially informed by commanding officers in the northern department that they must be reinforced, otherwise Albany and Schenectady must be made the northern line of defence. At the same time the Cabinet of this State, on the floor of the Continental Congress, were denounced as rebellious insurgents, as pirates upon the rights of community, and traitors to the American cause.

After arranging the papers discovered, I visited the State department at Concord, New Hampshire, Boston, Massachusetts, Hartford, Connecticut, and the State Department, Washington. At these several departments the manuscript papers are bound in volumes, each volume with an index. I selected documents at each department, such as in my opinion had a bearing for or against the claim which we then had against the Colonies, and now have against the General Government; also such documents and correspondence as went directly to show the part the New Hampshire Grants took in the Revolutionary War; also such documents as went to show that the New Hampshire Grants were not subject to the jurisdiction of New York, New Hampshire or Massachusetts; and such documents as go conclusively to show that this Commonwealth was never fairly granted by his Majesty and Council—"That we received our Charter from HEAVEN, and not from *man* or the *will* of man."

I have forwarded all documents put forth on the part of this State, from time to time, approved of by the Governor and Council, and ordered to be published to the world, as to the right of jurisdiction and independence of this State. Also all such documents put forth on the part of New Hampshire, New York and Massachusetts as to jurisdiction and claim on the New Hampshire Grants. Also the first printed Journals of the Continental Congress, from Sept. A. D. 1774 to 1778. Also Marshal's life of Washington, Madison's papers, Gov. Morris', John Jay, James Duane, Richard Henry Lee, History of New York, History of Tryon County, Memoirs of General Wm. Heath, Gen. James Wilkinson, Gen. John Starke, Trial of Gen. Philip Schuyler for evacuating Ticonderoga, General Burgoyne's documents laid before the British Parliament, Reidsel's Letters, Ambury's Travels, (a British officer in America,) Graham's History of Vermont, Gen. Allen's History of Vermont, and a series of pamphlets published by said Gen. Allen at Philadelphia, and journals of the Provincial Congress of Massachusetts, Connecticut and New York. These interesting documents are all needed in order to sustain certain points connected with the part the New Hampshire Grants took in the Revolutionary War, and thereby will better enable us to sustain our claim, in connection with the documents relating to expenditures in our State Department.

These several documents are herewith transmitted to your Excellency for consideration. I have no hesitancy in expressing it as my decided opinion that the documents herewith transmitted exhibit on the part of this State on account of the expenditures during the Revolutionary War, five hundred thousand dollars, exclusive of interest and value of property



destroyed by the enemy. A large proportion of this expenditure was occasioned by a request on the part of the Continental Congress, or by request of commanding officers in the northern department, with an assurance of payment. These requests were made by the Cabinet of New Hampshire Grants, as a sovereign and independent community. Numerous are the instances in which the Continental Congress, or officers by them appointed, requested troops to be raised to protect the frontier inhabitants in the northern department, meaning Albany, Ticonderoga, Crown Point, and its dependencies in New York. Request was made by the commissary of the northern department, to the General Assembly of this State, to buy provisions in this State for the Continental Troops in the northern department. Application was made by the commanding General of the northern department, to the Cabinet of this State, to arrest deserters from the Continental army. Application was also made by the commissary of provisions in the eastern department, for liberty to pass through this State to Canada, for the purpose of negotiating an exchange of prisoners, as well as many other requests of a similar nature, all of which were promptly granted on the part of this State. The Cabinet of this State, at several times, during the war, made application to the commanding officers in the northern department, for troops to aid in garrisoning our frontier posts, and were denied. We applied on a certain occasion, to buy, or borrow a few barrels of beef, pork and flour, of the commissary of the northern department. We were denied on the ground that he had no authority to furnish troops except those of the thirteen American colonies. We applied to the commissary of prisoners in the northern department to borrow one of the British prisoners (as we had previous to this furnished one thousand one hundred and fifteen British prisoners for the colonies,) in order to complete an exchange of prisoners with the British commander in Canada, but were refused upon the ground that we did not belong to the Union. We were therefore left to negotiate with Gen. Haldimand for the release on parole of such prisoners as belonged to Warner's regiment, and to this State, including the east and west union.

In July, A. D. 1780, we communicated to the President of the Continental Congress a proposition to form a *solid* union for the defence of the American Colonies against their enemies. We also, on the 12th of December, A. D. 1780, wrote to the Governors of the several New England States, as well as to the Governor of N. York, making the same proposition; but never received an answer from either. I know of no law on the part of Congress, granting any pensions or remunerations, for Revolutionary services done or performed by a citizen of this State, in the militia of the State, during the Revolutionary War, previous to the law, A. D. 1842. By the exertions of a distinguished delegate then in Congress, from this State, an amendment was proposed, whereby the Revolutionary services of the Green Mountain Boys, was for the first time acknowledged by Congress. The numerous officers and soldiers of the Vermont troops, who so faithfully served during the war, never received one acre of land, one dollar of bounty money, nor wages from the thirteen American Colonies. Yet, sir, the documents herewith submitted, will convince you that our troops took from the enemy property to the amount of three hundred thousand dollars, which was generously turned into the common stock for the defence of the colonies. Even the brass cannon taken from the Germans at Bennington are now deposited in the Government Arsenal, in the district of Columbia, as trophies, unpaid for by the



General Government, and quietly acquiesced in by the Green Mountain Boys.

I earnestly recommend the arranging of all documents now recovered, with proper indices, in relation to the part the New Hampshire Grants took in the Revolutionary War; also, to complete the copying of all vouchers for revolutionary expenditures and forthwith present our claims to Congress for allowance; also, the official correspondence, in order to show forth the part the New Hampshire Grants took in the revolutionary war. I have no doubt on my mind but what Congress will make us a reasonable remuneration. If not, there will forever remain in the files of the American Congress a true copy of the Revolutionary pay rolls of the Green Mountain Boys, with a true copy of their expenditures, in defending their own firesides, and those of the thirteen American Colonies. There will remain a full history of the part the Green Mountain Boys took in the American Revolution. These documents will forever wipe away the *black stain* put upon the Mountain Boys, during the Revolutionary War, by demagogues and *sham* patriots, on the floor of Congress, and will show forth the sacrifices made for the love of our Green Mountains:—the love and forbearance we manifested towards the Continental Congress, after being threatened with immediate annihilation, and above all, will show the confidence the Commanding General of the American armies placed in the Cabinet of the New Hampshire Grants. Finally, the future historian will speak of our fathers as *patriots*, as *statesmen*, as pure and spotless as the snow of our mountains.

All of which is submitted to your Excellency.

HENRY STEVENS.

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REPORT OF THE SELECT COMMITTEE, TO WHOM WAS  
REFERRED THE REPORT OF HENRY STEVENS.

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*To the Senate and House of Representatives :*

The Select Committee, to whom was referred the report of Henry Stevens, have had the same under consideration and respectfully report, that they are of opinion that it is inexpedient to pursue the enquiries which have been prosecuted by Mr. Stevens, for the purpose of establishing a revolutionary claim on the part of the State of Vermont against the United States, without hope of success. The Committee have been put in possession of an opinion given by the Hon. Hiland Hall, late Member of Congress, which they think is conclusive upon the subject. That opinion is herewith submitted to the Senate and House of Representatives.

Mr. Stevens has been active, industrious and energetic in prosecuting his enquiries and collecting facts relating to the early and revolutionary history of this State, and the transactions of those times. The Committee believe that the materials collected by Mr. Stevens, consisting of the history and correspondence of the principal men connected with the revolution, and more particularly with this State, and other matters, are of very considerable importance, but they do not think it comes within the appropriate duty assigned to them, to make an examination of the materials collected by him, or to recommend any action to be pursued by the Legislature in relation thereto, yet the Committee believe that some measures ought to be taken to secure to the State the benefit of the examination which has been made, and to do justice to Mr. Stevens. The Committee recommend the adoption of the accompanying resolution.

E. N. BRIGGS, for Committee.

*Resolved*, by the Senate and House of Representatives, that the Governor of this State be requested to make, or cause to be made, an examination of the papers and correspondence collected by Henry Stevens, Esq., relating to the early and revolutionary history of this State, and to take such measures as he shall judge will be most beneficial to the interest of the State, in procuring and preserving the same.



REPORT FROM SECRETARY OF STATE IN CONFORMITY  
WITH A RESOLUTION OF THE SENATE, RELATIVE TO  
THE STATE PRINTING.

SECRETARY OF STATE'S OFFICE, }  
Montpelier, Oct. 26, 1843. }

HON. HORACE EATON,  
*President of the Senate:*

SIR,—I have the honor to inform the Senate, in answer to their resolution of yesterday, calling for such information, that the contract made for printing the Laws of the General Assembly of 1843, has been made with E. P. Walton & Sons, of Montpelier, and is in the words and figures following, viz.:

PROPOSALS FOR PRINTING THE LAWS, 1843.

We will print the Laws of Vermont for the session of 1843, as follows: 3600 copies on paper, and in size of page, type, and style, both of printing and binding, to correspond with last year's, at \$3 per page—the work to be ready for distribution in fifteen days after the last copy is furnished us.

*Provided*, That for any additional copies we are to be allowed the cost of paper at \$3.60 a ream, press work at \$1 per token, and binding at 8 cents per copy; and it is also understood that the usual allowance will be made us for distribution to the several sheriffs. We offer Joseph Howes for surety. Take any copy of the Laws of 1842, as a sample of paper, type, &c.

E. P. WALTON & SONS.

Montpelier, July 29, 1843.

Proposals accepted, July 29, 1843.

J. McM. SHAFTER,  
*Secretary of State.*

The performance of the contract as above set forth, is secured by bond, with \$1000 penalty, for failure to perform the contract as aforesaid.

As to the "differences" between the contract for the present year, and those for the three preceding years, I have to say, that for the year 1840, that the contract was for the printing of 3300 copies at \$3.25 per page, and for the year 1842, for any additional copies, the paper was to be rated at \$4 per ream.

For the year 1841, I have to say, that I have searched among the papers of this office, but have not found any contract for that year.

The proposals made by E. P. Walton & Sons, as aforesaid, for the year 1843, were the only ones made to this office for the printing of the said Laws.

With great respect,

Your obedient servant,

J. McM. SHAFTER,

Secretary of State.

OFFICE OF THE SECRETARY OF THE SENATE,  
October 27, 1843.

To His Honor HORACE EATON,

President of the Senate:

Sir,—in compliance with the request contained in a resolution of the Senate passed the 25th instant, I enclose a copy of the proposals submitted to me for printing, distributing, &c. the Senate Journals for the year 1843.

PROPOSALS FOR PRINTING THE JOURNALS OF THE SENATE.  
ATE, 1843.

We offer to print the Journals of the Senate for the session of 1843, on type and paper, and in size of page, and style of printing and binding, to correspond with last year's, as follows:—300 copies at 75 cents per page, to be completed, and ready for distribution, within 30 days after the last copy is furnished. Provided that for additional copies we shall be allowed for paper at \$2.50 per room; press work one dollar per token, and binding at eight cents per copy; also the usual extra charge for figures and title work, and the accustomed sum for distribution to the shelves. Last year's Journals for specimen.

We offer Joseph Flowers for surety.

E. P. WALTON & SONS.

Montpelier, July 28, 1843.

Accepted August 1, 1843.

I add, on the other page, a comparative statement, as required by the resolution of the Senate, exhibiting the substantial terms embraced in the proposals of the Messrs. Walton for three years preceding 1843, and as compared with the terms of the proposals of the latter year:

Years	Per Page	Press Work	Binding
1840	75 cts.	\$1.00	8 cts.
1841	87 1-2	1.00	8 "
1842	87 1-2	1.00	8 "
1843	75	1.00	8 "

It will be observed, therefore, that the difference in favor of the State, between the contracts of 1843, and 1842 and 1841, is 12 1-2 cts. per page, and \$1.50 per room in the price of paper; and between the years 1843



REPORT OF SECRETARY OF THE SENATE, IN PURSUANCE  
OF A RESOLUTION OF THE SENATE, RELATING TO THE  
STATE PRINTING.

OFFICE OF THE SECRETARY OF THE SENATE, }  
October 27, 1843. }

To His Honor HORACE EATON,  
*President of the Senate :*

SIR,—In compliance with the request contained in a resolution of the Senate passed the 25th instant, I subjoin a copy of the proposals submitted to me for printing, distributing, &c. the Senate Journals for the year 1843.

PROPOSALS FOR PRINTING THE JOURNALS OF THE SEN-  
ATE, 1843.

We offer to print the Journals of the Senate for the session of 1843, on type and paper, and in size of page, and style of printing and binding, to correspond with last year's, as follows:—300 copies at 75 cents per page, to be completed, and ready for distribution, within 30 days after the last copy is furnished. Provided, that for additional copies we shall be allowed for paper at \$3.50 per ream; press work one dollar per token, and binding at eight cents per copy; also the usual extra charge for figure and rule work, and the accustomed sum for distribution to the sheriffs. Last year's Journals for specimen.

We offer Joseph Howes for surety.

E. P. WALTON & SONS.

Montpelier, July 28, 1843.

Accepted August 1, 1843.

I add, on the other page, a comparative statement, as required by the resolution of the Senate, exhibiting the substantial terms embraced in the proposals of the Messrs. Waltons, for three years preceding 1843; and as compared with the terms of the proposals of the latter year:

Years.	Per Page.	Paper.	Press Work.	Binding.
1840,	75 cts.	\$4.00	\$1.00	8 cts.
1841,	87 1-2	5.00	1.00	8 "
1842,	87 1-2	5.00	1.00	8 "
1843,	75	3.50	1.00	8 "

It will be observed, therefore, that the difference in favor of the State, between the contracts of 1843, and 1842 and 1841, is 12 1-2 cts. per page and \$1.50 per ream in the price of paper; and between the years 1843

and 1840, is \$1,00 per ream, in the price of paper; the sum contracted to be paid for press work, binding and *distribution*, being the same in each of the four contracts under consideration.

The price paid for distribution is understood to be \$60.

Very respectfully,

Your obedient servant,

D. W. C. CLARKE,

*Secretary of the Senate.*

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES,  
October 25, 1843.

Hon. HENRY LAYTON

President of the Senate.

Dear Sir, In compliance with the resolution of the Senate, I herewith transmit a copy of the bill for the printing of the Journals of the House of Representatives for the year 1843, which has been accepted by me. The following statement exhibits the losses of the bills for the years 1840, 1841, and 1842, as compared with the bill of 1843.

Year.	Paper.	Press Work.	Binding.
1840	2,00	1,00	10 cts.
1841	2,00	1,00	10 "
1842	2,00	1,00	10 "
1843	2,00	1,00	10 "
1844	2,00	1,00	10 "
1845	2,00	1,00	10 "

In 1842 and 1843, the binding includes cloth backs and paper wrappers for the sides—while in 1840 and 1841, barely paper covers were used.

With high respect,

Your obedient servant,

T. F. MYRAILL,

Clerk of House of Representatives.

PROPOSALS FOR PRINTING THE JOURNALS OF THE HOUSE.

1843.

We offer to print the Journals of the House for the session of 1843, on type and paper, and in size of page and style of printing and binding to correspond with last year's, as follows:—200 copies at 75 cents per page—to be completed ready for distribution within 30 days after the last copy is furnished. Provided that for additional copies we shall be allowed for paper at \$3.50 per cent, press-work \$1 per line, and binding at 10 cents per copy; also the usual extra charges for lights and new work, and the recommended sum for distribution to the members. Last year's for specimen. We offer Joseph Howe for engravings.

E. F. WATSON & SONS.

Montpelier, July 25, 1843. Above proposals accepted, and 1843 to be printed on 1000 copies. In addition set 1841, needed to bind 1842, also 4000 copies. 1842 to be printed on 1000 copies as well as 1841 and 1843.



REPORT FROM CLERK OF HOUSE OF REPRESENTATIVES,  
IN CONFORMITY WITH A RESOLUTION OF THE SENATE,  
RELATING TO THE STATE PRINTING.

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES, }  
October 26, 1843. }

HIS HONOR HORACE EATON,  
*President of the Senate :*

SIR,—In compliance with the resolution of the Senate, I herewith transmit a copy of the bid for the printing of the Journals of the House of Representatives for the year 1843, which has been accepted by me.

The following statement exhibits the terms of the bids for the years 1840, 1841, and 1842, as compared with the bid of 1843.

Year.	Per Page.	Paper.	Press Work.	Binding.
1843,	75 cts.	\$3,50 ream.	\$1,00 token.	10 cts.
1842,	87 1-2	4,00 "	1,00 "	10 "
1841,	87 1-2	5,00 "	1,00 "	8 "
1840,	1,00	5,00 "	1,00 "	8 "

In 1842 and 1843, the binding includes cloth backs and paper stiffeners for the sides—while in 1840 and 1841, barely paper covers used.

With high respect,

Your obedient servant,

F. F. MERRILL,

*Clerk of House of Representatives*

PROPOSALS FOR PRINTING THE JOURNALS OF THE HOUSE,  
1843.

We offer to print the Journals of the House for the session of 1843, on type and paper, and in size of page and style of printing and binding to correspond with last year's, as follows:—300 copies at 75 cents per page—to be completed ready for distribution within 30 days after the last copy is furnished. Provided, that for additional copies we shall be allowed for paper at \$3,50 per ream, press-work \$1 per token, and binding at 10 cents per copy; also the usual extra charge for figure and rule work, and the accustomed sum for distribution to the sheriffs. Last year's for specimen.

We offer Joseph Howes for surety.

E. P. WALTON & SONS.

Montpelier, July 29, 1843.

Above proposals accepted, Aug. 1, 1843.

# REPORT OF AUDITOR OF ACCOUNTS, IN OBEDIENCE TO RESOLUTION OF SENATE.

AUDITOR'S OFFICE,  
Montpelier, Oct. 26, 1843. }

Hon. HORACE EATON,  
*President of the Senate:*

SIR,—In obedience to the requirements of a resolution of the Hon. Senate, hereto annexed, passed Oct. 26th, 1843, I have the honor to transmit the following extracts from the records of this office.

With great respect I remain, &c.,

Your humble servant,

DAVID PIERCE,  
*Auditor of Accounts.*

## EXTRACTS.

December 29th, 1840.

CHAUNCEY GOODRICH,

For publishing Laws of Vermont, 1840, as per contract with Secretary,  
viz:

	3006 copies	\$202 15
	700 "	43 54
Extra contract,	194 "	32 40
		<hr/> \$278 09

The last being added after the printing was completed; the first  
being too small by mistake of Secretary.

Deduct postage

60

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\$277 49

NOTE.—Mr. Goodrich's contract did not stipulate for the usual allowance of \$60 for distribution to the sheriffs, and the order was drawn for \$277 49 only. On the 30th of October, 1841, the Committee of Claims advised the Auditor to draw an order for an additional sum of \$60, which was done.



February 22, 1841.

E. P. WALTON & SONS,

For printing 300 copies of Journals of House for 1840, per contract,	300
pages at \$1,	\$300 00
400 additional copies, viz. 38 tokens press work, 38 forms, at \$1,	38 00
17 reams 5 quires paper at \$5,	86 25
(5 pages extra figure and rule work at \$5, not allowed.)	
Binding 400 copies at 8 cents,	32 00
Distributing to sheriffs,	50 60
	<hr/>
	\$516 25

SAME,

For printing 300 copies Journals of Senate for 1840, per contract,	172 pa-
ges at 75 cents,	\$129 00
400 additional copies, viz. 22 tokens press work (22 forms at \$1),	22 00
10 reams of paper at \$4,	40 00
Binding 400 copies at 8 cents,	32 00
(22 1-2 pages extra rule and figure work at 90 cents, \$20 25,	
not allowed.)	
(15 cents additional per page for the first 300, for new type, in-	
stead of old, by request of Secretary of Senate, \$25 00, not	
allowed.)	
15 additional copies at 38 1-2 cents,	5 77
Distributing to sheriffs,	60 00
	<hr/>
	\$288 77

January 22, 1842.

E. P. WALTON & SONS,

For printing laws of 1841, per contract, as follows:

3500 copies, 76 pages, at \$3 per page,	\$228 00
422 additional copies as follows, press work: 10 tokens,	10 00
4 4-10 reams paper at \$4,	17 60
Binding, at 6 cents,	25 32
39 copies Public acts at 8 cents,	3 12
Distributing to sheriffs,	60 00
	<hr/>
	\$344 04

April 5th, 1842.

E. P. WALTON & SONS,

For printing and binding 300 copies of the Journals of the House for	
1841, 368 pages at 87 1-2 cts. per page as per contract,	\$322 00
400 additional copies per contract, viz. 46 tokens press work (46	
forms, 8 pages, in 368 pages,) at \$1,	46 00
21 1-2 reams paper at \$5,	106 00
Binding 400 copies at 8 cents,	32 00
28 1-2 pages figure work at 87 1-2 cts. extra,	24 93 1/2
Distributing to Sheriffs,	60 00
	<hr/>
	\$590 93 1/2

SAME.

For printing and binding 300 copies Journals of Senate for 1841, 184 pages at 87 1-2 cts. per contract,	\$161 00
400 additional copies per contract, viz:	
23 tokens press work (23 forms in 184 pages,)	23 00
10 3-19 reams paper at \$5,	51 84
Binding 400 copies at 8 cents,	32 00
33 1-2 pages figure work at 87 1-2 per page,	33 68 1/2
Distributing to sheriffs,	60 00

\$361 52 1/2

January 16th, 1843.

E. P. WALTON &amp; SONS,

For printing and binding 3600 copies of Acts of the Legislature, passed October, 1842, per contract with C. L. Knapp, Assistant Secretary of State, viz:

140 pages at \$3 per page of one copy,	\$120 00
700 extra copies, viz: 13 10-14 reams paper at \$4 per ream,	54 17
34 tokens press work, 17 forms, at \$1,	34 00
7 1-2 quires paper for 700 covers at \$5 per ream	1 97
Press work,	2 00
Pressing, folding, binding and trimming, &c. 700 copies at 8 cts.,	56 00
Distributing to sheriffs,	60 00

\$628 14

April 12th, 1843.

E. P. WALTON &amp; SONS,

For paper, printing and distributing to Sheriffs as per contract, the Journals of the Senate of 1842, viz:

300 copies, 244 pages, covers included, at 87 1-2 cts per page,	\$213 50
396 additional copies, viz:	
24 36-456 reams paper at \$5,	73 79
Binding at 8 cents,	31 68
18 1-2 pages extra figure work and rule at 87 1-2, \$15, 98 3-4, (allowed at only \$7,50,)	7 50
Distributing to sheriffs,	60 00

\$386 47

SAME,

For printing Journals of House in 1842, as per contract, 300 copies, 448 pages, covers included, at 87 1-2 cents, \$392 00 |

404 additional copies, viz:

44 4-19 reams paper at \$4,	105 38
56 tokens (56 forms,) press work at \$1,	56 00
Binding at 8 cents,	32 32
Cloth backs and stiffeners, ordered by Clerk, not in contract,	14 08
43 pages figure work, &c. at 87 1-2 cents, \$27,62 1-2, allowed at \$15,	15 00
Distributing to sheriffs,	60 00

\$674 78





**REPORT OF SELECT COMMITTEE ON REPORTS OF SECRETARY OF STATE, SECRETARY OF SENATE, CLERK OF HOUSE OF REPRESENTATIVES, AND AUDITOR OF ACCOUNTS.**

*To the Honorable Senate now in session :*

Your Committee, to whom were referred the reports of the Secretary of State, Secretary of the Senate, Clerk of the House of Representatives, and Auditor of Accounts, respectfully

**REPORT:**

That they have had the same under consideration. It appears to your Committee that the Laws and Journals which have been provided by the Messrs. Waltons for the State, have been ready for delivery within the time specified in their several contracts, but as to the fact of their having been delivered to the sheriffs immediately on completion, your Committee have been unable to ascertain. But from the evidence before your Committee, they are of the opinion that there is unnecessary delay in the delivery of the Acts and Journals, in many cases, to the persons who by law are entitled to them, and believe that it is in many cases in consequence of neglect of the sheriffs, that they do not at all times make the distribution until some time after received.

It appears to your Committee that there has been a larger number of Acts and Journals published than provided for by Statute. In the year 1842 there was 166 copies of the Acts of the Legislature, 121 copies of the Journal of the Senate, and 129 copies of the Journals of the House of Representatives, more than what the Statute provides for distribution.

Your Committee are of the opinion that the amount which has been allowed for distribution of the Laws and Journals for years past, to the several Sheriffs, is much more than actual cost. It appears by the Auditor's report that the sum allowed yearly is \$180.

**E. ALLEN, for Committee.**



## RESOLUTIONS OF THE LEGISLATURE OF THE STATE OF NEW JERSEY.

### STATE OF NEW JERSEY.

#### JOINT RESOLUTIONS.

WHEREAS an untarnished reputation, based upon strict integrity and a rigid adherence to good faith in all our public transactions, is not only of inestimable importance, but indispensably necessary to the well-being, prosperity, and happiness of our common country;

And whereas we have hitherto preserved inviolate our plighted faith, and cherished with enthusiasm our unblemished honour, regarding it as a precious heritage from our noble sires, earned by the toil, purchased by the blood, and endeared to us by the sufferings of the patriots of the Revolution;

And whereas it is not only highly dishonourable, but directly conflicting with every principle of justice and morality, for any state, nation, or people to repudiate or disown obligations contracted in good faith and with mutual concurrence, because such contracting power is not legally responsible, or such obligation may not be legally enforced;

And whereas, in a portion of our Union, doctrines have been promulgated tending to degrade the national honour, destroy the national credit, and debase the national character, unjustly involving in a common odium the other portions of this Union, and causing our name to be a by-word and reproach throughout the civilized world;

And whereas a belief extensively prevails that these odious doctrines meet with a silent assent, if not general approbation, throughout our confederation, thereby tarnishing, by implication, our country's fair fame, and rendering it not only expedient, but highly necessary and proper, that the voice of the people, in their primary assemblies and in their legislative halls, should be universally, fully, and unequivocally expressed—therefore,

1. *RESOLVED, by the Council and General Assembly of the State of New Jersey,* That we heartily deprecate, indignantly repel, and utterly condemn the novel doctrine of repudiation of state debts, and desire now, and for all time, distinctly and unequivocally, to declare, that New Jersey not only disavows any and all participation in such sentiments, but will not suffer the moral sense of her people to be outraged by their avowal in

any part of our Union, by any portion of its citizens, without an expression of her open, thorough, and decided condemnation.

2. *Resolved*, That we should be recreant to every virtuous principle and honest impulse, and faithless to all moral obligation, did we hesitate to take a firm and unwavering stand, and exert the utmost energies of our state and people in vindication of the probity and the untarnished reputation transmitted by our fathers; which form the ground-work of that just pride and veneration with which their honoured names are associated, and a broad basis of national integrity, which all should delight to emulate and defend.

3. *Resolved*, That public credit is one of the vital principles, and a main-spring of national prosperity, and indissolubly associated, as it is, with an unimpeachable character for strict honesty, must be greatly impaired, if not utterly destroyed, by any disregard of this indispensable requisite in the formation of national, as well as of individual good character.

4. *Resolved*, That the same laws of retributive justice govern nations as individuals, and that no country or people can swerve with impunity from the straight-forward path of uprightness and integrity; when the quick sense of honour becomes blunted, and the shame of merited reproach is unfelt or unheeded, the public morals will deteriorate, and public virtue decline, and, in their downward course, bear with them national respectability and national worth, and, finally, whelm the work and pride of ages in irretrievable ruin.

5. *Resolved*, That it is our earnest hope and belief that the doctrine of repudiation has obtained but a partial foothold on the soil of our Union, and a limited portion of its citizens for advocates and defenders; and we are proud to assert, that the mass of our people are, and ever have been, firm in their adherence to all the maxims of probity, unwavering in their acknowledgment of all the exactions of good faith, honourable in the discharge of all the obligations which mutual contracts impose, or the conventional usages of society imply, and proudly sensitive to the aspersion of national disgrace.

6. *Resolved*, That considerations, above and distinct from party, reaching far beyond our day and generation, and intimately affecting, as we sacredly believe, the future character, varied interests, and permanent prosperity of our beloved country, solemnly impel us to speak fearlessly and unhesitatingly on this subject; and, in a spirit of patriotism, which should look beyond state limits, we beseech our fellow citizens, throughout the length and breadth of this Union, to join with us in reprobating all violations of good faith, and in vindicating the honour and reputation of our common country.

7. *Resolved*, That the Governor of this State be requested to transmit a copy of the foregoing preamble and resolutions, certified under the Great Seal of the State, to the Governor of each of the several States of the Union, with a request that he will cause the same to be laid before the Legislature thereof.



## REPORT OF SELECT COMMITTEE ON RESOLUTIONS FROM NEW JERSEY, AND RESOLUTION.

*To the Senate now in session :*

The Committee on the Judiciary, to whom was referred certain joint resolutions passed by the Council and General Assembly of the State of New Jersey, relating to the repudiation of state debts, respectfully

### REPORT:

That they fully and cheerfully subscribe to the opinions expressed in the resolutions, submitted to the General Assembly of Vermont, and believe that "repudiation," as it regards state or individual debts, is no where more strongly condemned than in the State of Vermont. Your Committee believe that the Legislature will express the views and opinions of the people of this State in the following resolution, which they recommend to the Senate for adoption.

E. N. BRIGGS, for Committee,

Resolved, by the Senate and House of Representatives of the State of Vermont, that this State has no sympathies with that legislation which violates the pecuniary obligations of a State, and takes shelter under State sovereignty to evade the force of those obligations; that such a course is a violation of that good faith and high moral principle which should regulate the conduct alike of governments and individuals.

Resolved, that His Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executives of New Jersey and the several States.

## REPORT OF THE JOINT COMMITTEE ON THE STATE LIBRARY.

### *To the Senate :*

The joint Committee appointed to examine into the condition of the State Library, having attended to the duties assigned them,

### REPORT:

That from the examination of the Library, which they have been enabled to make, they are satisfied that it has been neatly and safely kept, and is now in good condition. The duties of the Librarian seem to have been attentively and faithfully discharged.

By request of the Committee the Librarian has furnished a statement of the condition of the Library, which accompanies this report.

S. F. DUTTON, for Committee.

### LETTER FROM THE LIBRARIAN.

STATE LIBRARY, }  
Montpelier Oct. 31, 1843. }

### *To the Joint Committee for examining the State Library :*

GENTLEMEN,—In compliance with your directions, I have the honor to submit the following statement of the facts connected with the Library during the past year.

There have been received for the use of the Library 510 volumes ; for distribution 1428 ; 532 of which were distributed near the close of the last, and during the present session, leaving 896 for future distribution.

In addition to the above, I have purchased 35 volumes required by an act of the General Assembly, approved Nov. 12, 1842.

The Library now contains 3097 bound volumes.

In pursuance of the "5th Rule of the Library," I have procured the binding of 72 volumes, and now have between 20 and 30 volumes which



were not received in time to be bound before the commencement of the session. By the terms of the contract entered into in July last, the expense for binding is 20 cents per volume, being at least 40 per cent. less than the sums heretofore allowed for the like work.

During the year, I have found and returned 11 volumes lost or taken from the Library previous to my appointment.

I am very respectfully,

Your obedient servant,

A. W. KENNEY,

*Librarian.*

REPORT OF MINORITY OF COMMITTEE TO WHOM WAS  
REFERRED THE BILL PLACING ALL RAIL-ROAD CHARTERS  
UNDER THE CONTROL OF THE NEXT LEGISLATURE.

The undersigned, a minority of the Committee, to whom was referred the bill placing all grants of rail-roads made at the present session under the control of the next Legislature,

REPORTS:

That in his opinion said bill ought to pass and become a law. A public law of this State (see Revised Statutes, page 51,) requires that all petitions for rail-roads, canals, and some other purposes, shall be published in one or more newspapers in each county where the same is to be located, three weeks successively, the last of which publications to be at least twelve days previous to the session of the Legislature, to which said petition is to be preferred. The object of the law was undoubtedly to secure to the people interested, an opportunity to examine the nature of the application, and to give such instructions to their representatives on the subject, as they might deem expedient, and also to prevent acts of such importance being hurried through the Legislature on private and interested applications, without an opportunity for public opinion to operate on the subject. The undersigned believes the provisions of this law are highly salutary and should be regarded in practice.

There have been several petitions presented to the Legislature for rail-roads during its present session, none of which it is believed have been published as required and provided by law, and various acts granting said rail-roads are in progress of being passed. The undersigned is of opinion that in compliance with the spirit and design of said law, these acts being now first proposed, should be referred to the next session of the Legislature, or if passed at this time, the right should be reserved to it to alter or amend said charters, as provided in the bill before your Committee, which will secure all the benefits of the notice required by the law. He also believes that full control should always be reserved to itself by the Legislature in all grants of corporate powers, so that the people through the Legislature, may at all times have the same liberty to consult their own interests in relation to any amendment or alteration of said grant which may become necessary that we possess in giving it.

It may be said that the Legislature will abuse their power in this respect, but if it is meant that they will be as likely to do so, as a private corporation composed of interested individuals, the assumption is an implied censure on our form of government. Experience will show that no Legislature will be inclined to revoke or amend a grant of corporate pow-



ers to the injury of the corporation, unless prompted by strong reasons of public good. In all such cases the public good should predominate, and undoubtedly the Legislature would remunerate the persons interested in case their interest in the charter should suffer injury by the action of the State.

LOREN GRISWOLD.

The undersigned, a minority of the Committee, to whom was referred the bill placing all rail-roads made at the present session under the control of the next Legislature.

#### REPORTS:

That in his opinion said bill ought to pass and become a law. A publication of this State (see Revised Statutes, page 51,) requires that all publications for rail-roads, canals, and some other purposes, shall be published in one or more newspapers in each county where the same is to be located, three weeks successively, the last of which publications to be at least twelve days previous to the session of the Legislature, to which said publication is to be preferred. The object of the law was undoubtedly to secure to the people interested, an opportunity to examine the nature of the application, and to give such instructions to their representatives on the subject, as they might deem expedient, and also to prevent acts of such importance being hurried through the Legislature on private and interested applications, without an opportunity for public opinion to operate on the subject. The undersigned believes the provisions of this law are highly salutary and should be regarded in practice.

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## REPORT OF COMMITTEE ON THE JUDICIARY ON SUBJECT OF VERMONT REPORTS.

### *To the Senate :*

The Committee on the Judiciary, who were instructed to enquire in relation to the 14th volume of Vermont Reports, whether the cases determined by the Supreme Court for the year 1842 are published in said volume, or what proportion of the cases are reported and by whom, as to its value, and whether the present method of reporting and publishing the Vermont Reports is defective, and if so, what remedy can be had, respectfully

### REPORT :

That as to a considerable share of the subject of enquiry, they have not the means, or the time or opportunity of making an investigation.—The Committee consider the subject a matter of very great importance to the people of this State, and that it is of the utmost importance to have the cases determined by our Supreme Court, faithfully and fully reported. They believe that our Supreme Court will not suffer by a comparison, for ability and learning, with Courts of other States, unless it should be for the want of faithful reports of their decisions. The reports may be subject to several objections, some of which might be obviated. One objection is, that the expense to the State and to the purchaser is too much. The State has pursued a liberal and generous course to procure a faithful report of the decisions of the Supreme Court, and to make public and distribute the information conveyed by the publication of the reports. The State pays annually to the reporter the sum of \$450 for his services in superintending and preparing the report of the cases for publication. The State also purchases of each volume 290 copies, and pays for the same a fair compensation and profit. The 10th 11th and 12th volumes, the State paid \$3,29 per volume, and for the 13th, which contained less pages, \$2,67, at an annual expense of near \$900. The salary of the Judges of the Supreme Court was increased to make them an additional compensation for furnishing the reporter with their written opinions in the cases determined. The publisher of the reports has usually sold the volume at \$4 or over. His price, to be paid by citizens of this State, is generally considered too much, taking into consideration the liberal course of the State. The size of the volume since the 10th has been convenient, except the last, which contains less than 590 pages, when the 12th volume contains 734. Another complaint as to the reports is, that many cases of no importance are reported, thereby making up a book, to be paid for by the State and the purchasers, for the purpose of obtaining that part which is of importance, and in leaving unreported many cases of importance in principles and in-



terest. The Committee believe that there is much reason for this complaint, and that some measures should be taken to remedy this evil. As to the first part of this complaint, that cases of no importance in principle for precedents are reported: the law requires, that all the cases decided by the court shall be reported, and a compliance with this law would cause every case to be reported; but this law is not complied with, nor a proper selection of the cases made. Perhaps a discretion should be given to the Reporter to leave out of the reports such cases. The Committee are instructed to enquire whether all the cases determined are published, or what proportion of the cases, or by whom reported or decided. In performing this part of the duty assigned to the Committee, they have not gone into a full examination of all that might be embraced in the enquiry. The Committee are satisfied that the Reporter has published all the cases furnished him by the Judges of the Court. The law requires the Judges of the Supreme Court to prepare and furnish to the Reporter, correct reports of the opinions by them severally given; consequently the Reporter can publish no more cases than the Judges prepare, with opinions. This law has not been complied with either according to the letter or spirit. Your Committee believe that many important cases, decided from year to year, are unreported. They have not the means of ascertaining the number of cases which have been decided that are not published, but believe that for the last four years the number is very considerable. The compensation paid to the Judges for this service is believed to be sufficient, the requirement of the law imperative, and the performance of the service very essential to the interest of the State, and ought not to be dispensed with. Your Committee do not wish to call in question the propriety of the course pursued by the Judges of the Supreme Court, in furnishing their cases and opinions for publication, yet they consider it a serious evil, that so many cases of importance should be suffered to pass unreported. The Committee have no doubt but what some of the Judges, and probably most of them, have reported the cases assigned to them, which were of sufficient consequence to be reported, when other members or member of the court has almost wholly neglected to furnish his cases. The attention of the Committee was by the resolution more particularly directed to the examination of the 14th volume. This volume contains the cases heard and decided in the winter circuit of the court in 1842. The Statute requires that the Judges shall prepare and furnish correct reports of their opinions before the 1st day of October in each year. This volume is nearly one year later than it should be; and the Committee see no reasons why the Reports for each year should not be published at the close of each year, or at least within one year from the time of the hearings. We understand that the cases are not returned to the Reporter by the time specified. This volume contains the report of ninety-one cases; what number of cases were heard and decided upon the circuit in 1842, the Committee have not the means of ascertaining, but probably more than twice the number reported. In the 91 cases the opinions were given by the Judges as follows:

Judge Williams,	24
" Royce,	17
" Redfield,	26
" Bennett,	24—91
" Collamer	none.

In Rutland County the usual time was occupied in hearing and deciding cases, but only four cases are reported. In Caledonia County nine

cases are reported, six of which are by one Judge, and if he reported all his cases, the whole number heard at that time would be twenty-four.

The Committee think that the Reporter should be instructed to call upon the Judges for their cases and opinions which have not been published, and publish an additional volume of such cases as he thinks ought to be published, and also publish, as soon as possible, the cases determined the present year.

The Committee submit the following resolutions for the consideration of the Senate. (See Journal, page 68.)

E. N. BRIGGS, Chairman.



## REPORT OF THE COMMITTEE OF CLAIMS ON PETITION OF SYLVESTER PHELPS AND JEDEDIAH P. LADD.

*To the Honorable Senate now in session :*

The Committee of Claims, to whom was referred the petition of Sylvester Phelps and Jedediah P. Ladd, praying compensation for thirteen kegs of tobacco seized and condemned under the non-intercourse law of this State, passed Nov. 6, 1812, have had the same under consideration, and respectfully

### REPORT :

That said tobacco, consisting of thirteen kegs, was seized, together with the boat in which it was being transported across Lake Champlain, on the 22d day of June, 1813 ; that said boat and tobacco were proceeding on their way to the Province of Canada at the time of said seizure, in violation of the provisions of the non-intercourse law above named. By the adjudication of a court constituted according to the provisions of said act, said tobacco was adjudged forfeited and condemned on the 23d day of June 1813, and by the orders of said court was sold at public auction at Alburgh, and one half of the proceeds of said sale, being the sum of one hundred and fifty-six dollars and forty-six cents, was paid into the treasury of this State on the 15th day of November 1813.

In April 1833, said Phelps and Ladd commenced an action against Lewis Sowles, who was one of the court by whose adjudication said tobacco was condemned and ordered to be sold, for the recovery of the value of said tobacco. Said action was tried in the Supreme Court of the State of New York, in June 1838, and in June 1839, and said court decided that the plaintiffs could not recover, and directed them to be nonsuited.

The Committee deem it proper here to state that the petitioners alledge as a reason for not having sooner commenced an action against Sowles, that said Sowles was an inhabitant of Alburgh, in Vermont, and that they being residents in New York, did not bring their action sooner because said Sowles did not go into the State of New York, and therefore service could not be made on him of any action in the court of New York. The Committee do not consider it proved to them that said Sowles did not visit the State of New York within said time as alledged. And they do not consider that such fact if proved would be a sufficient excuse for not sooner prosecuting said claim, inasmuch as we see no reason why the petition-

ers could not at any time have commenced an action in the courts of the State of Vermont, or in the courts of the United States.

At the session of the General Assembly in 1839, said Sowles presented a claim against the State for his time, costs and expenses in defending said suit; and there was then allowed and paid to him out of the State treasury, the sum of \$380 78-100.

It appears that the pleadings in the action brought by the petitioners against Sowles, were a plea of justification under the non-intercourse law, the general issue and the statute of limitations. The petitioners produce the affidavit of Israel P. Richardson of Burlington, who says that at the time of the seizure aforesaid, he was acting as a revenue officer of the United States, and that he refused to seize said tobacco at the time, on the ground that said tobacco was not a contraband article by virtue of any law of the United States.

Your Committee do not consider it conclusively proved, by any evidence before them, that the court of New York decided that the petitioners could not recover of Sowles, on the ground that the petitioners were engaged in smuggling; but in the report made in 1839, by the Committee of Claims in the House, on Sowles' claim, it is stated that it was proved to them, at that time, that the court in New York did decide, that as said Phelps and Ladd were engaged in smuggling said tobacco into the Province of Canada, the transaction was illegal, and that although the act of condemning said tobacco and ordering the same to be sold was illegal, because the law of Vermont, under which it was condemned, was unconstitutional and void, still the plaintiffs could not recover, as the law would not interpose to adjust the claims of persons engaged in illegal transactions. This ground of decision is now denied by the petitioners, and they produce a letter from Judge Willard of New York, who says the cause was tried before him in June 1839, and that he is persuaded that he nonsuited the plaintiff upon the ground that the cause of action did not accrue within six years next before the commencement of the suit, and that as the non-suit was on this ground, it did not become necessary; and he *thinks* he did not pass upon any other question, though other matters may have been adverted to in giving his opinion. Whichever way the weight of evidence may preponderate on this point, the fact is clear that the petitioners have failed to substantiate any legal claim against Judge Sowles, the magistrate who acted under the law of the State, and it is equally clear that they can sustain no *legal* claim against the State. If they had recovered of said magistrate, the State would undoubtedly have indemnified him. They have failed to recover of him in an action at law, and whether they have done so by a decision upon the statute of limitations or on the ground of their being engaged in an illegal traffic—in either case they have failed by their own fault.

If the petitioners' claim is to be sustained at all then, it seems to your Committee that it must be only on the ground of equity, and when we consider that in 1839, the State paid to Sowles, in consequence of this transaction, \$380 78-100—a sum more than equal to that which they had received from the proceeds of the sale of said tobacco in 1813, with the interest on the same from that time to the time it was paid out to said magistrate—considering too the great length of time which the petitioners have suffered to elapse before presenting their claim against the State, and also the nature of the transaction in which the petitioners were engaged—they being at the time citizens of Vermont, and acting in direct violation of the law and policy of the State, although that law has since



proved to be unconstitutional by the Constitution of the United States—and acting too, as they were certainly, against the intent and spirit, if not against the very letter of the law of the United States entitled “an act prohibiting American vessels from proceeding to or trading with the enemies of the United States, and for other purposes,” your Committee are of opinion that the petitioners are not entitled to recover, and recommend that they have leave to withdraw.

H. CUTTS, for Committee.

Montpelier, Vt., Oct. 31, 1843.

Your Committee do not consider it conclusively proved, by any evidence before them, that the court of New York decided that the petitioners could not recover of Bowler on the ground that the petitioners were engaged in smuggling; but in the report made in 1839 by the Committee of Claims in the House on New York claims, it is stated that it was proved to them, at that time, that the court in New York did decide that as said tobacco and leaf were engaged in smuggling and tobacco into the State of New York, the transaction was illegal, and that although the act of smuggling said tobacco and entering the same to be sold was illegal, because the law of Vermont, under which it was commenced, was unconstitutional and void, still the plaintiffs could not recover, as the law would not interfere to adjust the claims of persons engaged in illegal transactions. This ground of decision is now denied by the petitioners, and they produce a letter from Judge William of New York, who says the cause was decided for him in June 1839, and that he is persuaded that he mentioned the plaintiff upon the ground that the cause of action did not accrue within six years from the commencement of the suit, and that as the suit was on this ground, it did not become necessary and possible to go into any other question, though other matters may have been introduced in giving his opinion. Whether or not the plaintiff was introduced on this point, the fact is clear that the petitioners have failed to substantiate any legal claim against Judge Bowler, the master of the vessel who acted under the law of the State, and it is equally clear that they can sustain no legal claim against the State, with the recovery of said vessel and the cargo, which would undoubtedly have been paid to them had they failed to recover of him in an action at law, and whether they have done so by a decision upon the State of limitation or the ground of their being engaged in an illegal traffic—whether said cargo has been sold by their own hands, or not, it is not material to your Committee that it must be only on the ground of equity, and when we consider that in 1839, the cargo paid to Bowler in consequence of this transaction, \$2000 75 100—a sum more than equal to what which they had received from the proceeds of the sale of said tobacco in 1818, with the discount at the same time due to the time of payment to said cargo—considering too the great length of time which the petitioners have suffered to elapse before presenting their claim against the State, and also the nature of the transaction in which the petitioners were engaged—they being at the time citizens of Vermont, and acting in direct violation of the law and policy of the State, although that law has since

## ADJUTANT GENERAL'S REPORT FOR THE YEAR 1843.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, }  
Montpelier, 25th October, 1843. }

To His Excellency, JOHN MATTOCKS,  
Governor of Vermont:

SIR,—I have the honor to transmit herewith a return of the Militia of this State, comprising the Uniform Militia as per document marked (A,) amounting to . . . 4689  
The Enrolled Militia; as per document marked (B,) amounting to 18,227  
The aggregate of the Militia, including the Field and Staff, as per document marked (C,) amounting to . . . 23,558  
And the General Staff, as per document marked (D,) amounting to . . . 70

I have received no returns from the 12th and 25th Regiments.  
The number of commissions which have been issued from this office during the past year is . . . 425  
The number of discharges is . . . 125

The only difficulties which arise in the way of having and maintaining an efficient uniform militia, are, from the want of confidence which appears to be indulged, in the permanency of any law or system; and the want of sufficient encouragement to the formation of uniform companies. The radicalism, it is alledged, which has been suffered to prevail in this State *upon this subject*, rooting out as it does all stability and confidence, has given rise to the conviction that no system can be permitted to exist for a sufficient length of time even to test its merits. The instability of the law, consequently, has prevented the incurring of the expense, time and labor, which the establishing of an effective corps demand. The difficulties and errors arising from the ignorance of the working of any system, are doubly increased by the constant succession of new acts; and no one law has been sufficiently understood before it has been compelled to give place to a new one. With such impediments in the way of our duty, it is hopeless even to attempt to succeed.

I have noted the errors and defects which the practice of one year has brought to notice in the present system, and for the remedy of which, I have prepared a bill and transmitted it to the appropriate Committee of the Senate.

I have the honor to be,

Your Excellency's ob't servant,

F. W. HOPKINS,

Adjutant and Inspector General.



|| Non-commissioned Officers, Musicians, and Privates.

A.  
VERMONT MILITIA.

## UNIFORM MILITIA.

ADJT. GEN'S. RETURN, 1843.

## Regiments.

	Sergeants.	Corporals.	Clerks.	Musicians.	Privates.	Number present.	Number absent.	Aggregate.
First Regiment	7	8	2	12	103	65	38	132
Second Regiment	12	12	3	7	205	113	84	215
Third Regiment	12	12	3	12	136	108	52	187
Fourth Regiment	15	15	4	16	190	149	41	240
Fifth Regiment	12	12	3	20	151	158	53	198
Sixth Regiment	12	12	3	9	127	114	52	166
Seventh Regiment								
Eighth Regiment	12	12	3	12	214	174	40	258
Ninth Regiment	8	8	2	9	129	124		188
Tenth Regiment	8	8	2	9	91	62	29	108
Eleventh Regiment	4	4	1	3	43	33	10	
Twelfth Regiment								
Thirteenth Regiment	16	16	4	13	211	183	38	211
Fourteenth Regiment	16	16	4	20	237	146	89	262
Fifteenth Regiment	4		1	4	38	38		38
Sixteenth Regiment	15	12	3	22	214	237	2	261
Seventeenth Regiment	20	16	5	21	279	231	48	335
Eighteenth Regiment	16	16	4	12	198	170	28	
Nineteenth Regiment	20	18	5	22	253	173	80	318
Twentieth Regiment	16	14	4	24	146	127	36	205
Twenty-first Regiment	13	2	4	10	238	181	57	262
Twenty-second Regiment	12	8	3	13	131	155	18	173
Twenty-third Regiment	8	7	2	6	108	98	20	139
Twenty-fourth Regiment								
Twenty-fifth Regiment								
Twenty-sixth Regiment	20	15	5	21	231	185	46	288
Twenty-seventh Reg'm't	8	8	2	10	141	111	30	147
	286	251	72	307	3814	3135	891	4326
First Rifle Regiment	28	27	7	23	282	206	91	363
Total	314	278	79	330	4096	3341	982	4689

Music.			Artillery Implements, &c.																	
Bugles.	Drums.	Fifes.	Trumpets, &c.	Iron or brass – pounder.	Limber.	Trail Handspikes.	Linstocks.	Tumbrel.	Lead Apron.	Bricole.	Priming Wire.	Haversacks.	Ammunition Boxes.	Port Fire Case.	Thumb Stalls.	Powder Horn.	Sponge and Rammer.	Worm and Ladle.	Sponge Buckets.	Port Fire Clippers.
	3	5																		
	2			1	4	1	4	1	1		2		4			2	2	2	2	2
1	5	3		1									1				1	1		
2			1																	
	3	1																		
	1			1		2	2				2		1		1	1	1			1
1	1		1	1	1	1				2			1				1	1		
10	10																			
3	1																			
4	9	5	4																	
4	2			1																
				1		1					1		2			1	1	1		
10	7			1	1	1	1			1		1		1	1	1	1			
2	2	3		1	1	1	1	1	1	4	2		3	1			1	1		
5	3																			
	2																			
				1		2					1		2		2	1	1	1	2	
6	4			1	2		1				1		1				1	1	1	
14	62	41	9	10	9	9	8	2	2	7	9	1	15	2	4	6	9	8	5	3
	11	4																		
14	73	45	9	10	9	9	8	2	2	7	9	1	15	2	4	6	9	8	5	3



Cavalry.										Rifle.		
Set of Harness.	Prolonge.	Horses.	Pistols.	Holsters.	Saddles and Bridles.	Valises.	Breast Plate and Crup-per.	Cartridge Box.	Sabres.	Rifles.	Powder Horns and Belts.	Bullet Pouches.
2		28	28	28	28	28	28	28	28	80	35	35
		32	64	32	32	24	24	20	32	80	59	59
		24	48	24	24	24	24	24		73	73	73
		35	35	35	35	35	35	35	35	80	80	50
		21	20	20	21	20	19	21	20	67	67	67
										60	49	49
		44			44	44	44				95	95
										112	72	72
										90	46	46
										30	30	30
										45	44	45
										57	57	57
		37	74	37	37	37	37	37	37	102	91	91
		32	32	32	32	32	32	32	32	103	100	100
		24	48	24	24	24	24	24	24	80	69	69
3										85	85	85
		37	74	37	37	37			37	95	95	95
										50	50	50
										59	56	56
										80	68	68
2	2	30	60	30	30	30	30	30	30	104	99	99
										56	56	56
7	2	344	483	299	344	335	297	251	275	1588	1446	1447
										183	183	179
7	2	344	483	299	344	335	297	251	275	1771	1629	1626

## Light Infantry and Infantry.

Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.	Priming Wires and Brushes.	Spare Flints.
30	30	30	30	29	62	65
90	27	27	27	85	27	54
80	80	56	56	56	56	112
80	80	80	80	80	80	80
37	37	19	36	17	18	111
90	90	90	90	90	90	180
90	90	52	52	52	52	52
78	79	2	2		2	4
17	17	17	17	17	17	17
44	44	44	44	44	44	88
80	80	80	80	80	80	70
90	90	48	48	48	48	96
90	90	61	61	61	61	122
90	90	90	90	31	31	62
49	49	49	49	49	49	98
90	90	90	90	90	26	52
68	68	68	68	68	68	136
89	89	39	39	39	39	78
90	90	38	38	38	38	76
90	90	51	51	51	51	102
1462	1400	1031	1048	1025	939	1655
1462	1400	1031	1048	1025	939	1655



Swords and Belts.	Number in uniform.	Number not in uniform	Number of companies.	<p>I certify that I have examined the Records of the Clerks of these several Companies, and Report, opposite to the names of the Companies, the condition of each.</p>	
6	22	8	1	William Chamberlain, Adjutant.	
5	121		3	E. S. Riddle, do.	
87	122		3	William C. Fox, do.	
31	123	28	4	Ferrand Parker, do.	
5	107	60	3	Emerson R. Wright, do.	
26	110	33	3	No return of uniform M.	
				R. C. Smith, do.	
	207		4	W. J. Odell, do.	
6			3	Abel Phelps, do.	
5	64	26	2	George H. Farrar, do.	
			1	No return.	
				E. B. Lathrop, do.	
3			5	Dan Gray, 2d, do.	
55	151	66	4	J. Dean, jr. do.	
3			1	C. J. Wright, do.	
69	217	30	4	James Cowles, do.	
94	257	48	5	A. L. Paige, do.	
			4	W. G. Dickey, do.	
7	134		5	C. Ashcraft, do.	
12	159		4	M. H. Sessions, do.	
75	187		4	Minot Wheeler, jr. do.	
6	106	13	3	Royal Burnham, do.	
5	118		2	George B. Warren, do.	
				No return of uniform M.	
				No return.	
3	51		5	Stephen Dudley, Col.	
59	59		2	L. W. Page, do.	
562	2315	312	69	<p>Adjutant &amp; Inspector General's Office, Montpelier, Oct. 23, 1843. }</p>	
19	197	89	7		
581	2512	401	76	<p>F. W. HOPKINS, Adj. &amp; Insp. Gen.</p>	

Non-commissioned Officers, Musicians, and Privates.							
B.							
VERMONT MILITIA.							
ENROLLED MILITIA.							
ADJT. GEN'S. RETURN, 1843.							
Regiments.	Sergeants.	Corporals.	Clerks.	Musicians.	Privates.	Number present.	Number absent.
First Regiment	20	23	6	10	477	326	151
Second Regiment	24	19	8	23	803	562	242
Third Regiment	16	10	5	22	373	292	81
Fourth Regiment	34	29	8	22	609	461	215
Fifth Regiment	26	13	9	32	725	495	230
Sixth Regiment	33	24	10	37	695	513	300
Seventh Regiment	23	20	7	25	592	442	
Eighth Regiment	26	23	8	34	637	510	128
Ninth Regiment	28	20	8	36	675	518	157
Tenth Regiment	4	4	1	3	89	72	17
Eleventh Regiment	31	29	8	30	721	397	141
Twelfth Regiment							
Thirteenth Regiment	41	16	8	39	807	570	234
Fourteenth Regiment	31	31	10	35	785	710	163
Fifteenth Regiment	22	13	6	15	292	241	51
Sixteenth Regiment	32	6	10	34	701	603	33
Seventeenth Regiment	24	14	8	27	856	613	243
Eighteenth Regiment	23	18	8	41	829	630	99
Nineteenth Regiment	25	18	8	29	696	525	171
Twentieth Regiment	26	18	8	35	740	590	150
Twenty-first Regiment	26	20	8	30	833	690	116
Twenty-second Regiment	20	16	6	23	628	521	107
Twenty-third Regiment	24	18	8	34	742	640	95
Twenty-fourth Regiment	22	14	6	23	743	554	189
Twenty-fifth Regiment							
Twenty-sixth Regiment	16	10	2	21	433	243	56
Twenty-seventh Reg'm't	19	12	8	31	819	647	172
Aggregate, 18227.	616	438	182	691	16300	12372	3541



Musical Instrm'ts			Arms and Equipments.							
Bugles.	Drums.	Fifes.	Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.	Priming Wires and Brushes.	Spare Flints.	Swords.
	7	7	319	315	316	315	313	320	319	14
	18	7	524	441	439	449	466	446	804	20
	1		277	277	277	277	277	277	554	15
	13	7	434	435	435	437	431	437	840	20
	17	5	465	422	432	435	440	427	428	12
	22	9	417	411	413	413	390	414	782	20
	7	7	432	480	431	430	398	428	617	17
	10	6	518	518	518	518	518	518	699	19
	13	6	440	403	400	409	405	397	394	21
	1		76	76	76	76	76	76	76	2
	1		307	280	275	264	263	268	264	16
2	18	10	324	288	294	292	303	326	566	13
	19	16	571	571	571	571	571	571	1122	21
1	6	8	248	248	248	248	248	248	248	16
3	16	15	681	661	681	681	681	681	1362	28
	5		572	572	572	572	572	372	1144	19
	1		631	631	631	631	631	631	1262	17
			525	525	525	525	525	525	1050	17
	20	15	598	598	598	598	598	598	1194	21
	12	9	656	653	653	656	656	653	1366	16
1	5	1	473	471	471	472	472	472	861	11
	11	4	640	640	640	640	640	640	1280	21
	5		526	533	531	527	532	533	1058	12
	1		254	254	254	254	254	254	408	14
3	15	12	647	647	647	647	747	647	1294	23
10	244	144	11555	11300	11328	11337	11307	11159	20291	425

No. of Companies.

I certify that I have examined the records of the clerks of these several Companies, and Report, opposite to the names of the companies, the condition of each.

Field and Staff Officers.

C.---VERMONT MILITIA.  
AGGREGATE.  
No. of  
Regt's.

ADJ. GENERAL'S RETURN-1843.

Colonel.

Lieutenant-Colonel.

Major.

Adjutant.

Quarter-Master.

Chaplain.

Surgeon.

1st

2d

3d

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

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188

Adj. & Insp. General's Office,  
Montpelier, 23d Oct. 1843.  
F. W. HOPKINS, Adj. & Insp. Gen'l.

Total 24 23 22 25 23 24 23



Commissioned.											Non-Commissioned.				
Assistant-Surgeon.	Sergeant-Major.	Sergeant Quarter-Master.	Sergeant Standard-Bearers.	Drum-Major.	Fife-Major.	Captains.	First Lieutenants.	Second Lieutenants.	Third Lieutenants.	Cornets.	Master of Band.	Deputy Master.	Sergeants.	Corporals.	Clerks.
1	1			1	1	11	11		1				36	31	11
do	do					7	8	7	do	1			28	22	8
do	1	do		1	1	13	13	13	2	do	1	1	49	44	12
do	do	do		do	do	do	do	do	1	do	do		38	25	do
do	do	do	2	do	do	do	do	do	do	do			47	36	13
1	1	1		1	1	11	10	11		1	1	1	38	35	11
do				do	do	9	8	10					36	28	10
do	1	1			do	3	3	3					12	12	3
do	do	do	1	1	do	9	9	9					35	33	9
1		1	1			12	12	6					37	32	12
do	1	do		1	1	11	10	11					34	27	11
do				do		7	7	5					26	13	7
	1	1		do	1	13	14	14	1		1	1	55	44	13
1	do	do				11	12	13		1	do	do	44	20	14
do				1	1	4	4	4					16	16	4
do				do	do	12	11	10	1	1	1	1	45	36	13
	1	1	2	do	do	3	4	4	do				10	14	4
1	do	do	1			12	20	20	2	1			37	19	12
	do	do		1	1	8	9	8			1	1	28	20	10
1				do	do	9	9	8			do	do	22	25	do
do						5	6	6			do		do	14	6
		1		1	1	10	10	11	1	1			32	22	6
	1	do		do	do	8	10	10	do		1		27	20	10
1	do	do	1	do	do	6	7	7			do	1	28	27	7
20	15	19	8	19	19	229	242	225	12	10	11	8	581	646	237

## Privates.

	Musicians of Band.	Musicians of Companies.	Privates of Uniform Militia.	Privates of Enrolled Militia.	Privates of Uniform Militia in uniform.	Privates of Uniform Militia not in uniform.	Number present.	Number absent.	Aggregate—including field, staff, commissioned, non-commissioned, musicians, and privates.	Number of companies.	Iron or brass — pounder.	Limber.
		30	205	800			689	336	1036	11		
6	28	139	409	64			386	115	603	8	1	4
15	38	190	609	149	41		610	456	1013	13	1	
6	52	151	725	107	60		593	233	1062	13		
	46	127	695	73	59		506	352	997	13		
14	46	214	638	228			698	165	1029	12		
	45	129	675	92			610	194	960	10		
	12	91	89	62	27		134	46	222	3		
	33	43	721				430	251	914	9	1	
	52	121	807	111	67		678	236	1046	13	1	1
	39	427	735	278	163		252		1201	14		
	19	38	298				279	51	428	7		
14	61	206	701	191	17		1048		1149	15		
	49	267	856	243	7		844	279	1320	14	1	
	12	198	829	170	28		800	227	1027	12	1	1
12	51	253	696	173			698	251	1012	13	1	
	24	146		127			127	36	230	12	1	1
	40	238	833	181	57		851	162	2911	12	1	1
10	36	131	628	106	36		676	125	901	9		
11	42	118	662	118			738	42	742	10		
16	23		743				554	189	856	6		
	42	231	433	185	46		428	102	807	11	1	
18	41		819				776	202	988	11	1	
13	23	282		198	89		206	91	413	7		
135	911	4048	14741	2921	597		14043	4414	23558	267	11	8



Artillery Implements, &c.																	Cav.		
Trail Handspikes.	Linstocks.	Tumbrel.	Lead Apron.	Bricole.	Priming Wire.	Haversacks.	Ammunition Boxes.	Port Fire Case.	Thumb Stalls.	Powder Horn.	Sponge and Rammer.	Worm and Ladle.	Sponge Buckets.	Port Fire Clippers.	Set of Harness.	Prolonge.	Horses.	Pistols.	Holsters.
1	4	1	1		2		4			2	2	2	2	2	2		28	28	28
							1				1	1					32	64	32
																	24	48	24
																	35	35	35
																	21	20	20
																	44		
2	2				2		1	1	1	1	1			1					
1				2			1				1	1							
1					1		1		1	1	1	1	1				32	64	32
1	1				1		2			1	1	1	1				24	48	24
1	1	1	1	4	2		3	1		1	1	1	1		3		37	68	34
2					1		2		2	1	1	1	2		2	2	36	72	36
2	1				1		1				1	1	1						
12	9	23	6	11			17	1	5	7	11	9	5	3	7	2	285	447	262

Alry.					Rifle.		Light Infantry and Infantry.					
Saddles and Bridles.	Valises.	Breast Plate and Crupper.	Cartridge Box.	Sabres.	Rifles.	Powder Horns and Belts.	Bullet Pouches.	Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.
28	28	28	28	28	80	56	56	90	26	26	26	26
32	32	24	20	32	73	73	73	277	277	277	277	277
24	24	24	24		80	50	50	514	515	491	493	537
35	35	35	35	35	67	67	67	80	80	80	80	80
21	20	19	21	20	60	49	49	454	448	432	429	407
44	44	44				95	95	608	608	608	608	608
					112	72	72	530	493	452	461	457
					90	46	46	78	79	2	2	
					80	80	80					
					45	44	45	303	257	263	261	272
								153	152	102	102	104
								328	328	328	328	328
					102	102	101	771	771	735	735	735
					103	100	100	662	663	633	633	633
32	32	32	32	32	80	69	69	90	90	90	90	31
24	24	24	24	24	85	85	85	574	574	574	574	574
					95	95	95	90	90	90	90	90
34	34	34		34				758	758	758	758	758
					59	56	56	562	561	510	511	511
					80	68	68	730	730	678	678	678
								526	533	531	527	532
36	36	36	30	30	104	99	99	90	90	51	51	51
					56	56	56	647	647	647	647	647
					183	183	189					
310	309	300	214	235	1714	1575	1595	9355	9205	8795	8747	8710



Priming Wires and  
Brushes.

Spare Flint.

Swords and Belts.

## D.

## VERMONT MILITIA.

## GENERAL STAFF.

ADJT. GEN'S. RETURN, 1843.

26	970	25	Adjutant General,	1
277	554	15	Quarter Master General,	1
493	952	88	Aids de Camp,	4
80	80	17	Judge Advocate General,	1
432	893	46	Majors General,	3
			Division Inspectors,	3
608	1216	25	Judge Advocates,	3
449	446	27	Aids de Camp,	6
2	4	7	Quarter Masters,	3
			Brigadier Generals,	9
			Brigade Inspectors,	9
289	302	14	Judge Advocates,	9
104	112	7	Aids de Camp,	9
328	328	19	Brigade Quarter Masters,	9
735	1470	32		—
633	1266	40	Aggregate,	70
31	62	3		
574	1148	20		
		58		
758	1516	48		
511	939	17		
678	1366	24		
523	1058	15		
51	102	38		
647	1406	84		
8617	16585	689		

## SUPERINTENDENT'S REPORT OF THE VERMONT STATE PRISON.

*To His Excellency, the Governor of the State of Vermont:*

The Superintendent of the State's Prison respectfully submits the following report:

On the first of October, 1842, the number convicts in the Prison was	73
Received during the year,	23
Total,	96
Discharged during the year by expiration of sentence,	18
by pardon,	1
by death,	1
escape,	1
by the Governor,	8
Taken for new trial by order of court, and returned on new sentence,	2
Total,	31
Leaving in prison, October 1, 1843,	65

Their present employment and condition are as follows: 30 in the shoe shop, 2 in the blacksmith shop, 1 in the gun shop, 7 carriage making, 3 basket making, 2 in the cook room, 1 tailor, 1 painter, 1 cooper, 1 washer, 1 wood sawyer, 1 yard waiter, 1 prison waiter, 1 hospital waiter, 2 lumpers, 3 in cells unable to labor, 6 sick in hospital, and 1 in solitary confinement under sentence of death; total 65.

The conduct of the convicts generally has been good, rendering frequent and severe punishment unnecessary, to enforce obedience and establish good discipline. The mode of punishment, however, has been varied, according to the nature of the offence and the disposition of the offender, as in my humble judgment would best effect his reformation. In pursuance of this object, I have erected an apparatus to punish with cold water, on the plan of the Auburn prison, which has exerted a very salutary influence in subduing the refractory, saving time and the loss of health, caused by the former mode of solitary confinement.

During the present year sickness has been unusually prevalent. In June last the influenza, a prevailing disease of the country, made its appearance in the prison, and before it subsided nearly every inmate was confined with it, leaving some, since then, in a condition unable to labor.

The old wooden bedsteads in the cells were found to contain numerous insects, which infect such places not usually well cleansed, and notwithstanding the commonly used means were resorted to, to destroy them, in a few weeks after, such immense numbers were again found, as to be swept up by handfull. In order, therefore, to make a clean sweep, I removed all the old wooden bedsteads and substituted others of iron in their



places, such as are used in other prisons for like purposes, which have entirely obviated the use of those means heretofore employed without effect to destroy them.

On entering upon the duties of my appointment, by advice of the Directors, I closed the copartnership of L. Damon & Co., and since that time, the convicts able to work, with few exceptions, have been in the employment of the State, manufacturing such articles only as could be done by the convicts themselves, and such as could find a ready market in exchange for the produce of the country. As to the final result of this copartnership, in a pecuniary point of view, I am unable at present to state definitely, the returns of sales in Boston not having been received by Mr. Damon, who has charge of its concerns, in season to effect a settlement.—The accounts, however, have been transferred to the prison books and are included in balances of accounts; and I have so far examined into its transactions as to enable me to form the opinion that *no gain*, but a *loss* will be realized, on the winding up of its affairs.

On the prison books are demands against Damon & Cotton—the facts of which were reported in 1839 by Mr. Brown, then Superintendent of the prison, and by him put in suit for collection in this State against Furbush & Townsend, of Boston, Mass. In relation to this claim, I have been advised, that, as no suit was commenced against the persons or property of the defendants, the judgment obtained will avail nothing in Massachusetts, where the defendants reside; and that if any further action is deemed necessary to enforce the collection of this claim, another suit must be commenced, as I am informed the payment ever has been and probably will be resisted.

On examination of the books of the old engine company, consisting of the Prison and I. W. Hubbard, I found that he paid the debt of the company to the prison, excepting the interest, by charging himself on the prison book, while he was Superintendent, with the sum of five hundred two dollars and fifty-four cents. Including this sum, the books show the amount of nine hundred ninety-two dollars and seventeen cents due from the company to said Hubbard. Many open accounts still show balances due the company from debtors in the Western States and elsewhere, some of whom are reported irresponsible; and Mr. Hubbard claims all the available accounts, to cancel the indebtedness of the company to him.

The tannery is of little or no value in connection with the prison. I succeeded in renting it the past year for fifty dollars, but the lessee has abandoned the occupation of it, for the want of water; and could this evil be surmounted, I am of opinion that it could not be carried on by convict labor successfully, situated as it is, out of the walls of the prison.

The fiscal concerns of the prison will be seen by reference to the report of the Directors. A large amount of the notes and accounts due the prison, included in their report, are of long standing and are not at present available, and can never be collected.

In comparing this report with the reports of the prison for several of the last preceding years, a greater pecuniary *loss* will appear to be sustained in the management of the prison this year; while the *fact* is otherwise, and easily proved, by reference to the actual expenses incurred during those years. During the last five years preceding my appointment there has been, by appropriations of the State and drawn from the Treasury, the sum of twenty-five thousand nine hundred ninety-one dollars and sixty-five cents, to defray the expenses of the prison in those years; the average being more than five thousand dollars per annum; still leaving a balance

of the debts then contracted and yet unpaid of more than three thousand dollars; and no part of said appropriations has been applied to the expenses of the present year. Some may suppose that the income of the present year is less and the expenses more than has been absolutely necessary; yet I am confident no reasonable foundation exists for such an opinion, and will appear so, on taking into consideration the *fact* that many of the most effective and profitable convicts have been discharged during the year; several others were received incapable of earning their food and clothing. The sickness already alluded to, taken in connection with the small number of laboring convicts, while the same number of officers and more fuel and lights were of necessity required; these and other like causes have unavoidably operated to reduce the income, and consequently leave the expenses of the prison about the same as in other years.

Accompanying this is the Physician's report, and a list of the convicts, with the time of commencement and expiration of their several sentences. All of which is respectfully submitted.

CHIPMAN SWAIN, Sup't Vt. S. Prison.

Windsor, Oct. 1843.

ABNER FIELD  
STEPHEN PRENTISS }  
DANIEL DENISON }



## REPORT OF THE DIRECTORS OF THE VERMONT STATE PRISON.

### *To His Excellency, the Governor of Vermont :*

In conformity to the provisions of the act of the General Assembly in relation to the State Prison, passed Nov. 10, 1841, making it the duty of the Directors to settle and liquidate the accounts of the Superintendent, and to make an inventory of the property of the Vermont State Prison, at its true value in money, the undersigned would submit the following report:

That upon an examination of the account of I. W. Hubbard, the former Superintendent, which accrued after the first day of October, 1842, to Dec. 1, we found his account balanced by the sum of \$485 18, which Mr. Hubbard states was the amount which his predecessor, Mr. Brown, agreed to allow him on his account, it being for overcharges made in the year 1839, in which condition it now remains.

After an examination of the present Superintendent and the book keeper, under oath, and examining the accounts kept at the Prison, we found that the Superintendent should be charged with the sum of \$308 76 for cash and sundries received by him since Dec. 1, 1842, and that he should be, and was allowed the sum of \$815 47, in which sum is included services rendered by his family, and his salary, as fixed by the General Assembly, for services as Superintendent.

The undersigned would remark, that upon entering upon the duties of their appointment, they deemed it advisable, that all partnership of the State with individuals should cease, and consequently recommended the Superintendent to close the copartnership of L. Damon & Co., in the shoe business, and it was effected the 8th of December.

In regard to the tannery connected with the Prison, the undersigned would say, that it has been valueless the past year, for a want of a sufficient supply of water, and they are of the opinion, that the disposal of the building and fixtures would best conduce to the interests of the State.

The papers accompanying this report, marked A, B, C, D, present, first, the business operations of the several shops and departments of the Prison, in which the income exceeds the disbursements; second, those departments which show the expenditures; third, an aggregate of the personal property as appraised at the Prison by the Directors; fourth, an abstract of the profit and loss account of the whole, by which it appears that the expenses for the last year have exceeded the income, two thousand seven hundred and thirty-seven dollars and sixty-five cents.

The undersigned would state, that many items in the inventory of 1842 they regarded as of little or no value, and they have appraised much of the property at a lower rate than has been inventoried.

All which is respectfully submitted.

ABNER FIELD,  
STEPHEN PRENTISS, } Directors.  
DANIEL DENISON,

October, 1843.

(A.)

## INCOME FROM OCT. 1, 1842, TO OCT. 1, 1843.

## CARRIAGE SHOP.

Stock and tools on hand, Oct. 1, 1842,	\$3,250 73	
Since purchased and transferred to other accounts,	1,947 30	—5,198 03
Received and charged for sundries sold,	2,681 92	
Stock and tools, & finished work on hand, Oct. 1, 1843,	3,260 75	—5,942 67
Exceeding the disbursements,		\$744 64

## GUN SHOP.

Stock and tools on hand, Oct. 1, 1842,	1,368 19	
Sundries since purchased and transferred to other accounts,	84 81	—1,453 00
Sales during the year,	260 50	
Stock and tools on hand, Oct. 1, 1843,	1,275 37	—1,535 87
Exceeding the disbursements,		82 87

## SHOE SHOP.

Stock and tools on hand, Dec. 1, 1842,	5,472 72	
Stock since purchased and accounts transferred,	12,356 89	—17,829 61
Sales during the year,	12,069 85	
Stock and tools on hand, Oct. 1, 1843,	7,663 90	—19,733 75
Exceeding the disbursements,		1,904 14

## PRISON ACCOUNT.

Sundries on hand Oct. 1, 1842,	1,395 38	
Articles since purchased,	875 11	—2,270 49
Articles sold and transferred to other accounts,	761 11	
Sundries on hand, Oct. 1, 1843,	1,711 09	—2,472 20
Exceeding the disbursements,		201 71

## ADMITTANCE,

Fees received from 1170 visitors,	146 25
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## CONTRACT ACCOUNT.

Labor of convicts in shoe shop, previous to Dec. 8, 1842,	816 29	
Ditto in tannery and gun shop,	114 34	930 63

## TANNERY.

Use of Tannery previous to Jan. 1, 1843,	12 50
Total amount of income,	\$4,022 74



## (B.)

## EXPENDITURES FROM OCT. 1, 1842, TO OCT. 1, 1843.

## PROVISIONS.

Provisions on hand Oct. 1, 1842,	\$342 81	
Provisions since purchased,	3,204 83—3,547 64	
Articles sold and transferred to other accounts,	513 21	
Provisions on hand, Oct. 1, 1843,	780 08—1,293 29	
Leaving amount consumed,		\$2,254 35

## CLOTHING AND BEDDING.

Articles on hand, Oct. 1, 1842,	79 65	
Sundries since purchased,	839 18—918 83	
Articles sold and transferred to other accounts,	78 41	
Clothing and bedding on hand Oct. 1, 1843,	582 42—660 83	
Expended for clothing and bedding,		258 00

## REPAIRS.

Timber, boards, &c. on hand, Oct. 1, 1842,	27 75	
Since purchased,	14 55—42 30	
Sundries sold,	1 23	
Sundries on hand, Oct. 1, 1843,	25 00—26 23	
Expended for repairs,		16 07

## FUEL AND LIGHTS.

Fuel and lights on hand, Oct. 1, 1842,	455 20	
Fuel since purchased,	534 55—989 75	
Sold and transferred to other accounts,	74 74	
On hand, Oct. 1, 1843,	346 49—421 23	
Expended for fuel and lights,		568 52

## EXPENSE AND PAY ACCOUNT.

Salaries of Superintendent, Chaplain and Keeper, pay of Clerk, Shop Keepers and Guards, including cash paid discharged convicts, postage bills, &c.		3,663 45
Total amount of expenditures,		6,760 39
Total amount of income,		4,022 74
Balance of expenditure over income,		2,737 65

## (C.)

## PROPERTY.

Finished work, stock and tools in carriage shop, . . . . .	\$3,260 75
Ditto in gun shop, . . . . .	1,275 37
Ditto in shoe shop, . . . . .	7,663 90
Furniture, fire and steam engines, and sundry articles of personal property under the head of "Prison," . . . . .	1,711 00
Clothing and bedding on hand, . . . . .	582 42
Fuel and lights on hand, . . . . .	346 49
Provisions on hand, . . . . .	780 08
Timber, boards, &c. for repairs, . . . . .	25 00
Cash on hand, . . . . .	22 44

## BILLS RECEIVABLE.

Notes receivable, . . . . .	\$1,866 90
Balances due on book accounts and contracts, . . . . .	8,895 78—10,762 68
	<u>26,430 13</u>

## LIABILITIES.

Notes payable, . . . . .	7,026 73
Sundry credits on book, . . . . .	6,878 35
	<u>13,905 08</u>

## (D.)

## EXPENDITURES AND INCOME FOR THE YEAR ENDING OCT. 1, 1843.

EXPENDITURES.		INCOME.	
For provisions, . . . . .	\$2,254 35	From Carriage Shop, . . . . .	\$744 64
Clothing and bedding, . . . . .	258 00	Gun Shop, . . . . .	82 87
Repairs, . . . . .	16 07	Shoe Shop, . . . . .	1,904 14
Fuel and lights, . . . . .	568 52	Prison account, . . . . .	201 71
Expense account, . . . . .	3,663 45	Admittance fees, . . . . .	146 25
		Contract account, . . . . .	930 63
		Tannery account, . . . . .	12 50
		Balance being loss, . . . . .	2,737 65
	<u>\$6,760 39</u>		<u>\$6,760 39</u>



## REPORT OF THE CHAPLAIN OF THE VERMONT STATE PRISON.

The Chaplain of the State Prison respectfully submits the following report:

Since the first of December, 1842, when my duties as Chaplain of the State Prison commenced, the usual religious services, daily and on the Sabbath, have been regularly maintained.

The services on the Sabbath have usually been those common in our churches, except that in most cases instead of a sermon in the morning, an expository lecture has been substituted, at the close of which the prisoners have been encouraged to make inquiries relating to the chapter or passage under consideration. This has been done both for the purpose of fixing attention and exciting interest, and in order to develope and meet more fully the state of thought on religious subjects, prevalent among them.

The prisoners have also been visited from cell to cell, in sickness and in health, as circumstances seemed to require; and a considerable number of them have been under a regular course of instruction in reading.

That the services of the Sabbath may proceed in a becoming and impressive manner, it is necessary that a choir of prisoners should be able to sing in such a manner as at least not to disturb religious feeling and serious attention. In the frequent change of prisoners, and without opportunities to sing except on the Sabbath, this important part of religious worship must naturally, without some special care, not only lose its interest and salutary influence, but become absolutely unpleasant and detrimental, if attempted at all; and to omit it, is a measure not to be thought of except in case of absolute necessity. Measures were therefore taken at once, and have been regularly pursued, to instruct and discipline a choir. Such of the prisoners as gave promise of deriving advantage from it, have been put under a regular course of instruction in the principles of vocal music, with suitable exercises. It has been an object to make the instruction thorough, and to cultivate such habits of accurate thought and correctness in execution as can hardly prevail in regard to any employment without a salutary influence upon the general character. This important object, it was found, could be secured, without interference with the business or discipline of the prison. The members of the choir have been interested in the study; and the result, as seen in our Sabbath services, is decidedly happy.

In all these labors, and in everything affecting the moral and religious interests of the prisoners, I am happy to acknowledge the very cordial co-operation of the Superintendent and Keeper. Not only have they been ready to give me every facility in the discharge of my own duties, but they have ever shown themselves anxious to do what they might for the instruction and the moral and religious interests of the prisoners. Without such cordial co-operation—a co-operation manifest to the prisoners themselves in the example and spirit of those to whose care they are entrusted, a

Chaplain must labor under great disadvantages, and so far as reformation is concerned, the prison cannot be expected to accomplish its end.

The results of such labors can never be a matter of very certain and definite report; and especially are we liable to mistake, and to doubt, in regard to such men. It has been a constant aim to present to the prisoners the truths of Christianity, and the principles of duty, in so plain a way, and with such practical application, as to command attention and fix them in the memory; and thus to supply, in such degree as may be done at so late a period of life, the want of early religious instruction and culture. Very few among them, if any, so far as I am able to learn, were educated in the bosom of families both pious and well instructed in religious truth; and in the vast majority of cases there was evidently a very serious deficiency in both respects, in comparison with the average state of families in our community. Very few have been soundly taught in regard to the truths of Christianity, either at the fireside or by the preaching of the Gospel. Of course their minds have been open to the attacks of unbelievers, and the cavils and perverse interpretations of ignorant, unstable, or wicked men. To bring such persons into a teachable state of mind, and prepare them to listen respectfully to religious truth, it is necessary that the cavils and misconceptions that occupy their minds should be met in such a way as to show that truth and its friends have nothing to fear from them. Accordingly, at the expository lecture, and in conversation with individuals, it has been an object to avoid no difficulty, and to dismiss no question, without a satisfactory solution and answer. I have reason to believe that in this respect the labors of the Chaplaincy have not been without their influence, and that there has been a decidedly increasing respect among the prisoners for the truths and claims of the Word of God. How far any of them may have been reached by the more direct inculcation of truth in its claims upon each individual—which, of course, has, after all, been the main purpose of the Chaplain's labors—it must be left for the future to determine.

Intercourse with such a body of men naturally suggests inquiries respecting the causes of crime and the means of prevention. In regard to these, I can report no new discoveries, and have no new suggestions to make. There are some facts, however, that cannot be too strongly impressed upon the public mind, and to which I may briefly advert without being thought to go beyond the sphere of my official duty.

In the first place it is worthy of remark, that the number of inmates in the prison is rapidly diminishing. Other causes may have influence in producing this result, but it must be attributed mainly to the diminution of crime among us. While our population is increasing, the number of convicts, instead of keeping pace with it, diminishes; showing a greater actual diminution than a mere comparison of the annual State Prison returns would suggest.

Another noticeable fact is, that of the whole number of prisoners only about one-third are natives of this State; and that the number of foreigners—natives of Canada, England and Ireland—is greater than that of those born among us. This fact shows that the number of convicts under our laws does not do the State justice as an index of the character of our population and the tendency of our institutions. The number of persons of foreign birth among us is comparatively very small; and yet that small number furnishes one-third of the convicts.

Again, it should be remarked that, in regard to the natives of Vermont, there was not only in most cases some palpable deficiency or wrong at the



fireside in regard to early training, but it is found that they frequently came from neighborhoods in which the Sabbath was disregarded, and the people as a body uneducated and vicious. In fact, more than two-thirds of the convicts acknowledge themselves to have been habitual Sabbath-breakers; not only frequent neglecters of public worship, but generally regardless of the salutary restraints by which the law of the State guards the Christian Sabbath, and sets it apart for the moral and religious culture of the community.

Intemperance is another prevailing characteristic among the prisoners. I do not find, however, the proportion of intemperate persons so great as it was shown to be generally in prisons by an extensive examination made several years ago; and in the progress and influence of the reformation that has of late been effected in regard to the use of intoxicating drinks, we ought doubtless to recognize one and probably the most powerful cause of the decrease of the number of convicts. Facts, however, still warrant the belief, that, but for intemperate drinking, one-third, at least, of the present inmates of the prison, might have been saved from the paths of crime and woe; and we are strongly admonished of the impolicy, to use no stronger term, of giving the sanction of our civil or judicial authorities, in any form or in the least degree, to a traffic like that in ardent spirits as a beverage. The part which that traffic has, in filling our prison, and increasing the expense of criminal prosecutions, is probably no greater, proportionably, than what it does towards perpetuating and increasing pauperism and the other evils of society.

When I look over the names of these men, and reflect on their history, I cannot resist the conclusion that such depravity and its consequences might in most cases have been prevented. Cases there doubtless may be, of natural perverseness and of unfortunate subjection to, and association with, the unprincipled and vicious, that are beyond the immediate reach of any measures that the Legislature could properly adopt. But certainly it is not always so; and my conviction is, that these crimes and this punishment among natives of Vermont, may in most cases be traced to practices very much within the legitimate control of the legislative power, and in regard to which the Legislature has, by its habitual action, acknowledged itself responsible. It cannot be passing the bounds of respectful duty for one under whose notice these facts officially come, to invite attention to them, and to ask whether the depravity of general character, the guilt, the suffering, and the expense which result from intemperance among us, may not be diminished by measures which it would be both safe and wise to adopt; and if the like results flow from defects in our school system, to suggest the serious consideration of that also, with a view to such improvement as may be within the reach of the Legislature. In many respects the character of the sons of Vermont is formed under more or less direct legislative control. On it they depend for important guardianship and means of improvement. And sad would be the reflection, if, through legislative agency or neglect, any of these should not only be lost to society for the noble purposes of mutual improvement and happiness, but become to it a burden and a curse.

E. C. TRACY, Chaplain.

Windsor, Oct. 14, 1843.

## PHYSICIAN'S REPORT.

*To Hon. Chipman Swain, Superintendent Vt. S. Prison :*

In looking over the medical affairs of the establishment under your charge, a few things present themselves to my mind as worthy of notice.

The only death that has occurred amongst the convicts within the past year, is Wheeler, an old man, who suffered for several months with chronic bronchitis.

The whole amount of sickness has been much greater this year, than for several of the preceding years. The hospital which had been closed for many months, was opened very early in the winter, and has remained so nearly all the time since. We have generally had from four to six patients all the time. In the early part of the summer, more than half the convicts were under treatment for influenza, and nearly the whole force of the Prison, was engaged in taking care of the sick.

This most singular outbreak of sickness, was nearly coincident in point of time, with a similar occurrence in the Ohio State Penitentiary. Although several of the convicts were in a dangerous situation, yet none of them died. Some of them, however, have not yet recovered from the effects of the disease.

Of individual convicts who seem to claim any notice on this occasion, two or three only need be named.

Peter La Force and Irwin, are both of them likely to remain invalids. Peter is unable to work at all, and is the subject of convulsions. Irwin, although in the shop, is becoming more and more feeble, and will not be able to do much more labor. He would probably be much improved in health, if he could be returned again to the world. Peter, too, would be more likely to recover, if released. He is becoming childish, and upon the whole, would be better under the care of his natural friends, than here. His mind is evidently becoming affected by disease.

Fox may also be returned as a permanent invalid; he is loaded down with disease. Varicose ulcers of the leg, fistula in ano, and chronic disease of the lungs, will be his companions for life, and in their deadly embrace he must sooner or later sink. He wishes much to go free, and doubtless is as deserving of Executive clemency, as any invalid here.

The want of a good hospital, has been felt this season very severely.—The patients have been well taken care of as it now is, but we are compelled in case of sickness, to draw off the most efficient hands in the Prison to take care of the sick. Were the hospital within the walls of the new Prison, it would be otherwise, and would be carried on with much less expense.

The above is respectfully submitted,

By your ob't servant,

ED. E. PHELPS, M. D., Physician Vt. S. Prison.

Windsor, Oct. 14, 1843.



## VT. ASYLUM FOR THE INSANE.

### OFFICERS OF THE ASYLUM—1842-3.

#### BOARD OF VISITORS,

HON. CHARLES K. WILLIAMS,  
 " STEPHEN ROYCE,  
 " ISAAC F. REDFIELD,  
 " MILO L. BENNETT,  
 " WILLIAM HEBARD.

#### COMMISSIONER FOR THE INSANE POOR,

HON. CHARLES PAINE.

#### TRUSTEES,

SAMUEL CLARK, ESQ.  
 EPAPHRO' SEYMOUR, ESQ.  
 ASA KEYES, ESQ.  
 N. B. WILLISTON, ESQ.

#### SUPERINTENDENT AND PHYSICIAN,

WILLIAM H. ROCKWELL, M. D.

#### ASSISTANT PHYSICIAN,

SAMUEL B. LOW, M. D.

#### MATRON,

MRS. D. K. BAKER.

ED. E. PHELPS, M. D., Physician Vt. S. Prison.

Windsor, Oct. 11, 1843.

## REPORT.

*To the Hon. the General Assembly of the State of Vermont :*

The Trustess of the Vermont Asylum for the Insane, would respectfully present their

## SEVENTH ANNUAL REPORT:

In noticing the operations of the past year, the trustees are happy to state that the accommodations and facilities, for the comfort and recovery of the insane, have gradually increased and improved ; that the officers and assistants have faithfully and judiciously attended to the trusts committed to them ; and those who have resorted to this institution for aid, have received that relief, which individual efforts would have in vain attempted to afford.

The judicious management, improved condition, and uninterrupted success of the Asylum, from its first opening to the present time, is a source of much satisfaction to the trustees, and the many friends of the institution. The past year has been one of undiminished prosperity. A larger number of patients has been received and restored, than during any former year. They have suffered from no epidemic or prevailing disease, and have enjoyed a good degree of health and comfort.

During the past year two hundred and twenty-four patients have received the benefits of the Asylum. One hundred and eleven have been admitted, eighty-eight discharged, and one hundred and thirty-six now remain. Since the opening of the Asylum, five hundred and thirty-five have partaken of its advantages. Three hundred and ninety-nine have been discharged, of whom two hundred and thirty have recovered, being more than fifty-seven per cent. So great is the difference of the results in the old cases and those which are recent, that it is very desirable that those who intend to place their friends in a public institution, should do so in the commencement of the disease.

The amount of suffering which is removed, and the relief which is afforded to the insane poor of this state through their Commissioner, is very great. And as the selectmen of the several towns can make application at all times to the Commissioner, it is hoped they will always seek relief in the earlier stages of the disease, before the patient has passed into an incurable state. By this means, a larger number will be restored and a greater amount of good received.

Another year's experience confirms our former opinion that useful employment in the open air is the best moral means for the restoration of our male patients. It affords healthful exercise for the body, and at the same time, discoursing on the various modes of agriculture furnishes equally healthy exercise for the mind. As the management of the farm is under the direction of a practical farmer, its produce contributes much to the support of the establishment. Improvements are yearly made on the farm, and it will undoubtedly continue to yield an increased income.



As far as it is practicable, our patients are employed in the same pursuits which they followed before they were insane. When that cannot be done, we employ them in that occupation which is most analogous to it.—We find this course to be most conducive to their recovery and profitable to the institution. The various employments about the establishment in the cultivation of the ground, in the several workshops, and in the extensive domestic employments, have all become sources of enjoyment, and relieve the mind from the dull monotony of the galleries. There is one fact proved by the experience of all institutions of this kind, that those who are constantly occupied in some useful employment recover in greater proportion than those who exercise only for amusement.

In consequence of the success in employing our inmates, and the increased income from the increased number of patients, without a corresponding increase of expense, as the number of officers remain the same, we have reduced the terms to two dollars per week, or one hundred dollars per year, if the patient remains so long in the Asylum. It has always been the design of the trustees to have the expenses of supporting a patient at the Asylum as low as possible, consistent with the comfortable support of the institution, and it is now believed that the terms are brought within the means of all who wish to receive its advantages.

By the Superintendent's statement of the income and expenses of the Asylum for the past year, it is gratifying to the trustees to find there is a balance of \$448 46 in favor of the institution. After making proper allowances for those debts which are not collectable, it is probable that the balance in favor of the institution will be small.

The present building is fast filling with patients. The right wing, which was built too small, needs enlarging, as well for the accommodation and comfort of the inmates, as to preserve the just and proper proportions and symmetry of the building. It is sincerely hoped that the legislature will not fail to grant that assistance for this object which is so urgently needed. We trust that the same fostering care and generous support which they have hitherto extended, will be continued to this institution, and that the "blessings of many who are ready to perish" will attend all who assist in relieving this greatest of human afflictions.

SAMUEL CLARK,  
E. SEYMOUR,  
ASA KEYES,  
N. B. WILLISTON.

Brattleboro', October 9th, 1843.

# ABSTRACT OF THE GENERAL EXPENDITURE FOR THE ASYLUM, FOR THE YEAR ENDING SEPT. 30, 1843.

Stores, provisions, fuel, &c.	\$7,481 29
Salaries and wages,	3,243 78
Medical supplies,	217 84
Improvements and repairs,	1,372 34
Furniture, bedding, clothing, &c.	591 28
Contingencies,	143 62
	<hr/>
	\$13,050 15
Income from Board of patients, &c.	13,498 61
	<hr/>
	448 46

The patients have been from the following places :

From Vermont,  
Maine,  
New Hampshire,  
Massachusetts,  
Connecticut,  
New York,  
New Jersey,  
Ohio,  
Territory of Iowa,  
Upper Canada,  
Island of Bermuda.



# SEVENTH ANNUAL REPORT OF THE PHYSICIAN AND SUPERINTENDENT OF THE VERMONT ASYLUM FOR THE INSANE.

The number of patients remaining at the close of the year,	113
There have been admitted during the year	111
Total enjoying the benefits of the Asylum,	224
There have been discharged during the year,	88
There remain, Oct. 1st, 1843,	136
Of the 88 cases discharged there have	
Recovered,	51
Not recovered,	26
Died,	11—88
Of the 40 recent cases discharged there have	
Recovered,	35
Not recovered,	2
Died,	3—40
Of the 48 chronic cases discharged there have	
Recovered,	16
Not recovered,	24
Died,	8—48

Recovered of all the cases discharged the past year, 58 per cent.

Recovered of all the recent cases discharged the past year, 87.5 per cent.

Recovered of all the chronic cases discharged the past year, 33.3 per cent.

Recovered of all cases discharged, 57.64 per cent.

Recovered of all recent cases discharged, 88.77 per cent.

Recovered of all chronic cases discharged, 30.18 per cent.

Since the opening of the Asylum 535 patients have been admitted, 399 been discharged, 136 remain in the institution.

Of the 535 patients who have been admitted, 230 have recovered, equal to 42.97 per cent.; 32 have died, equal to 5.98 per cent.

We have passed another year of prosperity, which demands our gratitude to that kind and beneficent Being who controls all events, and without whose blessing all human efforts are vain.

Here we would again repeat the oft-told remark, the importance of placing the insane in the commencement of the disease under proper curative treatment. Few diseases yield more readily to proper treatment than insanity, in the first stages of the disorder; and none more difficult after the functional is succeeded by an organic disease.

Although it is now better understood that it is necessary to place the insane under curative treatment in the first stages of the disease, still many

do not seem to realize its importance. There are many cases which come on so gradually and almost imperceptibly, that even their friends do not recognize their insanity. Even when they do notice some slight aberration, they neglect it, if the patient is not mischievous and does no violence. In this manner, hoping that the patient will recover at home, they lose the only opportunity of restoring the patient, and the diseased action is allowed to go on until diseased organization has taken place, which renders the patient forever incurable.

Those who are conversant with the history of crime, cannot be insensible of the large number of cases of violence and murder committed by the insane. The motives which induced them are various; sometimes from feelings of revenge for some real or fancied injury, and sometimes from kindness to their victims, to save them from the miseries which they fancy are inevitable. The minds of the insane frequently change, and we are never safe so long as they are suffered to go at large. An insane man when under high excitement is always dangerous. Hence the importance of early restraint for the safety of the public, as well as the most effectual means of a speedy restoration of the insane sufferer.

It has frequently been a source of regret, that some of our patients should be removed when there was a fair prospect of being restored, if allowed sufficient trial. This has been caused, first, by the inability of friends to support them longer in the asylum, and secondly, by an impatience for an immediate restoration; and sometimes on visiting them at the asylum, the friends have found them so quiet, that they supposed they would perfect their recovery as well at home as at the asylum. We frequently have patients who appear well so long as they remain with us, but immediately become insane as soon as they return to their friends. The regular system of management which pervades the establishment keeps the mind quiet and tranquil; but as soon as the patient is permitted to go at large and be exposed to the usual trials and perplexities of life, he loses his self-control, and the balance of his mind is destroyed.

We have endeavored to furnish employment to all of our inmates who were in a condition to be employed. As a large majority of our male patients were agriculturists, we have employed them more or less on the farm and in the garden. We have an excellent farm under the guidance of a practical farmer, which furnishes much employment, and yields a large amount of produce. A large quantity of land could be cultivated very profitably and usefully. We could cultivate twice the quantity of land which we now possess, without hiring any additional assistance, and the healthy employment it would furnish would greatly assist in the restoration of our patients.

We have a shop, furnished with joiners' and carpenters' tools, and we employ those who are accustomed to their use in repairing our buildings and fences, and also in making and repairing furniture for the establishment. We find that patients recover sooner by employing them in their former occupation, than in those to which they were never accustomed. It seems to awaken their former associations, and the mind is more readily drawn into its natural current of thought and ideas—leaving its late wild and extravagant notions.

We have also a shoe-maker's shop, in which we employ those who have been accustomed to the business, and which also furnishes useful employment to some of our inmates. But as the bending posture in which they are obliged to sit is unfavorable to their health, we do not encourage this employment so much as others which are more favorable to their recovery.



We find that it would be difficult to make any of those pursuits profitable, if we did not accomplish the whole among ourselves. Were we to hire a man with a high salary to manage the farm or garden, or conduct either of the work-shops, they would at once cease to be a source of income to the institution. Besides, it would not be so favorable for the recovery of the patients. Now, when a piece of work is required, either in the work-shop or on the farm, the patient feels a pride in the confidence that is reposed in his judgment, and it serves to create a self-respect, which is one of the greatest means towards his restoration. It is different from the servile labor which is performed in a prison, under the direction of the overseers.

During the past year we have published a small newspaper, called the *Asylum Journal*, which has exerted a beneficial influence on the comfort and recovery of the patients. We have had more than two hundred exchange papers, besides many other periodicals, to the editors and publishers of which we would tender our most grateful acknowledgements. We have been able to furnish every patient with a newspaper from his own immediate vicinity, every politician with a newspaper of his own political views, and every sectarian with a religious periodical of his own peculiar sentiments.

Our obligations to the publishers of our exchange papers, and the gratification with which they have been read, has been well described in a former number of the *Asylum Journal*.

"To our exchange papers, we make our humble acknowledgements.—We have now upon our list upwards of two hundred, beside quite a number of daily papers, and many of the best periodicals in the country. We have not the presumption to suppose that our little *Journal* is at all equivalent to the many mammoth sheets it brings in exchange, nor is it wonderful that it should not be so, removed as we are from the mart of news, and swayed by 'crazy minds.' But could they know the infinite satisfaction they give to many of our inmates, they would be amply repaid. It is like a wanderer in a distant clime, stumbling suddenly upon a file of newspapers, printed in his own neighborhood—who for months and years, perhaps, has not heard from his native land. With what eagerness he seizes them, retires to his own apartment, runs them over and over—hastily at first, and more leisurely and minutely afterwards, lest some important item should be overlooked—gathering from them more than could be embodied in twenty voluminous epistles. And as he skips from advertisement to advertisement, it seems as if he were in reality once more in his native village, wandering from shop to shop, reviewing the long rows of well-filled shelves, and clasping joyously by the hand those with whose names he is so familiar. Like the first rays of the morning sun to him who hath been all night grovelling in the dark, they do much towards dispelling the heavy cloud that hangs over us, and shed the first dawn of reason upon our shattered minds.

"But our *Journal* will soon pass into other hands, and we shall pass into the bustling world without, again to contend with wayward fortune. Think you we shall ever forget the time we have passed within these walls?—Never! Our minds will oft recur to the varied scenes our bewildered fancies have conjured up,—whose impress, like some thrilling tale stamped upon the susceptible brain of childhood, neither time nor circumstance can ever erase."

We have increased our library the past year. We now number between four and five hundred volumes. During the past year our library has been



comparatively forsaken for the newspapers and other periodicals, which we have received in exchange for the Asylum Journal. The interest which this little paper has excited in our little community at the asylum, has had a very beneficial effect upon the minds of our patients. A small portion only are capable of writing for it, but many are employed in making selections, and this employment diverts the mind from its own delusions and aids, with other means, in restoring its just balance. Our newspapers furnish a kind of reading which is not found in books. Many will look over a newspaper and read here and there an article, who would not open a regular treatise.

Those of our patients who have been students we employ to write and select for the Journal, and those who have been merchants and business men we employ to fold and direct the papers. Some who do not compose, assist by making selections and by copying extracts from books or papers. We find that the employing of our patients in writing, either by way of copying or of composition, to be very beneficial, as it diverts their attention from their delusions and presents new objects of thought for contemplation. We always furnish them with stationary, and the employing themselves in writing has apparently been a powerful means in their restoration. They are allowed to write on all subjects except those of their hallucinations.

Our attendants exercise such vigilance over their charge that the patients are allowed the greatest personal freedom and healthy employment with perfect safety to themselves and others. The employing of our patients is carried on with increased success. No accident has occurred to any one by allowing them the use of tools, or by any thing connected with their employment.

The convalescence of the patients will be hastened or retarded, in a great measure, by the character of, and the treatment they receive from their attendants. We have been very successful in finding those who were duly qualified by their intelligence, kindness and fidelity, without which all our labors would be comparatively useless.

We have not failed to furnish our inmates with suitable amusements.—The billiard table has furnished cheerful and healthy exercise for those who were accustomed to this amusement. We have had several dancing parties which have afforded much pleasant and healthy exercise. But we have found that those parties which were confined to one sex have had the most favorable influence. When both sexes have united in the same dance, we have noticed that the patients were more excited or less quiet than when the sexes have had their dancing parties separate. Our male patients play ball, quoits, chess, back gammon, cards, and other similar games.—Our females ride every fair day, besides the frequent walks which they take with their nurses. Some play battledoor, graces, and other amusements. Others engage in fine needlework, painting and music. A piano is furnished for those who have been accustomed to play on the same. We endeavor that all shall be employed more or less every day in some exercise, either of amusement or labor.

Religious exercises have been attended every Sunday in the Chapel.—These exercises are not the least important moral means made use of in the institution. On the Sabbath, our inmates hear the church-going bell, and were they deprived of all means of religious worship to which others have access, they would at once realize that they were prevented by a want of confidence in their behavior, which would discourage their laudable efforts at self-control, and depress their feelings of self-respect. We



have a good choir of singers, and many of the patients experience much enjoyment during the week days by singing in preparation for the Sabbath. This employment calls into exercise some of the faculties of the mind which had laid dormant, and has a salutary tendency to restore the lost balance of the mind. The effect of music on the rest is highly beneficial. During the religious exercises on the Sabbath a plain practical sermon is read, to which most of them listen with due attention. Many attend to relieve the dull monotony of the galleries, some attend because others do, and others for the purpose of sincere religious worship, which appears to be a source of the greatest comfort to them. From the commencement of the day most of them look forward with pleasant anticipations for the time of assembling, and thus the day, which would otherwise be very irksome, now passes cheerfully and pleasantly.

In consequence of the increased number of patients, we need an enlargement of the right wing. It is now twenty-seven feet shorter than the other, and it is necessary, to preserve the proportions and symmetry of the building, that it should be of equal length with the other. But a far greater reason is, we need the room for the accommodation of our patients. When this is finished, the building will be complete; and we trust the Legislature will furnish means for the same, as there will be no further need of any future appropriations.

In conclusion, I would make honorable mention of all who have assisted me in the duties connected with the institution; and encouraged by the success which has attended our past labors, we would commence another year with renewed zeal in this great cause of humanity, humbly trusting to a kind Providence for a blessing on our exertions.

WM. H. ROCKWELL.

Brattleboro', October 2, 1843.

### TERMS OF ADMISSION.

The terms are two dollars per week, or one hundred dollars per year, if the patient remain so long in the Asylum. No patient will be received for a less term than three months, unless he recover before that time has expired.

No charges made for damages in any case.

Application for admission may be made to Dr. Wm. H. Rockwell, or either of the Trustees.

Patients are received from this and other States.

## GOV. PAINE'S REPORT IN RELATION TO THE DEAF AND DUMB, THE INSANE POOR AND THE BLIND, FOR THE YEAR 1843.

*To His Excellency, John Mattocks, Governor of Vermont :*

The undersigned, under the direction of an act of the last Legislature, makes the following report in relation to the Deaf and Dumb, the Insane poor and the Blind :

He has admitted, and sent to the American Asylum at Hartford, three girls, as state beneficiaries, for the town of Waterford, Vershire, and Northfield.

He has drawn from the Treasury for the Deaf and Dumb, the sum of \$908 00.

He has paid to the Asylum, . . . . . \$825, 00

He has paid for conveying the three girls to Hartford, . . . . . 55 00

Expense of visiting the Asylum for the Deaf, Dumb, and Blind, . . . . . 28 00

\$908 00

He has drawn for, and paid to the Asylum for the Blind, for the support of the State beneficiaries, the sum of \$1,249 56.

During the present year, there have been no pupils sent to this Institution, as no applications were made in the proper season.

There have been admitted and received into the Asylum at Brattleboro', as State beneficiaries, twenty-seven insane persons, and the undersigned has drawn from the Treasury, and paid to this Asylum, the sum of \$911 15.

The undersigned believes that the appropriations, made by the State for the benefit of the Insane poor, are sufficient to relieve those who may now become insane from time to time,—but there are a great number of persons in the State who have been insane so long, as to render it improbable that they can be restored. These persons are in an extremely degraded and suffering condition, and if the Legislature can properly provide some means by which they may be placed in a more comfortable situation, it would be a most laudable act of humanity.

CHARLES PAINE.

October, 1843.



## BANK COMMISSIONER'S REPORT.

*To His Excellency, the Governor of Vermont:*

The undersigned, Bank Commissioner, of the State of Vermont, respectfully reports that he has inspected the Banks of this State, subject to the provisions of the Act regulating the chartering of Banks, and finds the condition of those Banks to be as follows:

## BANK OF MIDDLEBURY.

<b>RESOURCES.</b> —Notes discounted,	\$72,051 69
Specie,	2,500 06
Deposits in Boston and Troy,	62,939 91
Due from other Vt. Banks,	1,732 34
Bills of other Banks,	9,290 00
Safety Fund,	2,700 00
	<hr/>
	\$151,214 00

<b>LIABILITIES.</b> —Capital Stock,	\$60,000 00
Bills in circulation,	72,095 00
Deposits and certificates,	11,983 08
Unclaimed dividends,	524 25
Due to other Banks,	1,511 25
	<hr/>

August 19, 1843.

\$146,113 58

## BANK OF VERGENNES.

<b>RESOURCES.</b> —Notes discounted,	\$174,068 99
Specie,	6,369 00
Bills of other Banks,	10,550 00
Deposits in Boston, Troy, N. York & Hartford,	21,633 97
Due from other Banks,	322 00
Real Estate,	2,500 00
Safety Fund,	1,200 00
	<hr/>
	\$216,643 96

<b>LIABILITIES</b> —Capital Stock,	\$100,000 00
Bills in circulation,	89,456 00
Deposits and drafts out,	24,602 97
Dividends due,	814 20
Due to other Banks,	5 00
	<hr/>

August 9, 1843.

\$214,878 17

## FARMERS' AND MECHANICS' BANK.

<b>RESOURCES.</b> —Notes discounted,	\$134,668 30
--------------------------------------	--------------

Specie,	4,907 76
Bills of other Banks,	8,673 47
Deposits in Boston Banks, &c.	38,537 32
Real Estate,	10,520 62
Safety Fund,	4,725 00
	<hr/>
	\$202,052 47
<b>LIABILITIES.</b> —Capital Stock,	\$105,000 00
Bills in circulation,	67,476 00
Deposits and dividends due,	27,646 52
Due other Banks,	286 38
	<hr/>
August 16, 1843.	\$200,408 90

## BANK OF ST. ALBANS.

<b>RESOURCES.</b> —Notes discounted,	\$101,123 15
Specie,	3,626 66
Bills of other Banks,	7,189 26
Suspended debt over deposits,	7,339 04
Due from other Banks,	24,088 67
Real Estate,	1,400 00
	<hr/>
	\$144,765 78
<b>LIABILITIES.</b> —Capital Stock,	\$50,000 00
Bills in circulation,	75,808 00
Deposits and dividends due,	17,783 36
	<hr/>
August 8, 1843.	\$143,591 36

## THE FARMERS' BANK.

<b>RESOURCES.</b> —Notes discounted,	\$79,389 32
Specie,	3,128 97
Bills of other Banks,	1,185 00
Deposits in Boston and Troy,	24,573 50
Due from other Banks,	767 65
Real Estate,	2,492 92
Safety Fund,	2,700 00
	<hr/>
	\$114,237 36
<b>LIABILITIES.</b> —Capital Stock,	\$60,000 00
Bills in Circulation,	46,385 00
Deposits and due other Banks,	2,755 77
	<hr/>
June 30, 1843.	\$109,140 77

## BANK OF POULTNEY.

<b>RESOURCES.</b> —Notes discounted,	\$90,524 51
Specie,	4,688 97
Bills of other Banks,	3,709 00
Deposits in Boston and Troy,	37,535 79
Due from other Banks, &c.	7,483 18
Safety Fund,	483 00
	<hr/>
	\$144,424 45



<b>LIABILITIES.</b> —Capital Stock,		\$70,000 00
Bills in circulation,		69,538 00
Deposits,		4,079 57
Sept. 30, 1843.		<hr/> \$143,617 57

**BANK OF MANCHESTER.**

<b>RESOURCES.</b> —Notes discounted,		\$84,822 30
Specie,		3,787 00
Bills of other Banks,		3,440 00
Deposits in Boston, Troy and New York,		29,313 22
Due on book,		1,570 49
Real Estate,		11,247 57
		<hr/> \$134,180 58
<b>LIABILITIES.</b> —Capital Stock,		\$70,000 00
Bills in circulation,		63,288 00
Unpaid dividends,		261 10
July 25, 1843.		<hr/> \$133,549 10

**BANK OF BRATTLEBORO'.**

<b>RESOURCES.</b> —Notes discounted,		\$121,641 95
Specie,		7,851 68
Bills of other Banks,		3,088 00
Deposits in Boston, Troy, and other cities,		41,298 14
Real Estate and Bank Stock,		5,641 97
Safety Fund,		3,262 50
		<hr/> \$182,784 24
<b>LIABILITIES.</b> —Capital Stock,		\$75,000 00
Bills in circulation,		84,635 00
Deposits and due other Banks,		10,362 61
		<hr/> \$169,997 61

**BANK OF BELLOWS FALLS.**

<b>RESOURCES.</b> —Notes discounted,		\$140,162 54
Due on book,		4,097 20
Specie,		5,606 20
Bills of other Banks,		1,248 05
Deposits in Boston,		54,494 10
Real Estate and Bank Stock,		1,450 07
		<hr/> \$207,058 16
<b>LIABILITIES.</b> —Capital Stock,		\$50,000 00
Bills in circulation,		130,681 00
Deposits and dividends due,		17,470 05
Oct. 3, 1843.		<hr/> \$198,151 05

**BANK OF WOODSTOCK.**

<b>RESOURCES.</b> —Notes discounted,		\$104,088 69
Due on book,		7,115 85

Privates.										
Musicians of Band.	Musicians of Companies.	Privates of Uniform Militia.	Privates of Enrolled Militia.	Privates of Uniform Militia in uniform.	Privates of Uniform Militia not in uniform.	Number present.	Number absent.	Aggregate—including field, staff, commissioned, non-commissioned, musicians, and privates.	Number of companies.	Iron or brass—pounder.
	30	205	800			639	336	1036	11	
6	23	139	409	64		386	115	603	8	1
15	38	190	609	149	41	610	456	1013	13	1
6	52	151	725	107	60	593	233	1062	13	
	46	127	695	73	59	506	352	997	13	
14	46	214	638	228		698	165	1029	12	
	45	129	675	92		610	194	960	10	
	12	91	89	62	27	134	46	222	3	
	33	43	721			430	251	914	9	1
	52	121	807	111	67	678	236	1046	13	1
	39	427	735	278	163	252		1201	14	
	19	38	298			279	51	428	7	
14	61	206	701	191	17	1048		1149	15	
	49	267	856	243	7	844	279	1320	14	1
	12	198	829	170	28	800	227	1027	12	1
12	51	253	696	173		698	251	1012	13	1
	24	146		127		127	36	230	12	1
	40	238	833	181	57	851	162	2911	12	1
10	36	131	623	106	36	676	125	901	9	
11	42	118	662	118		738	42	742	10	
16	23		743			554	189	856	6	
	42	231	433	185	46	428	102	807	11	1
18	41		819			776	202	988	11	1
13	23	282		198	89	206	91	413	7	
135	911	4048	14741	2921	597	14043	4414	23558	267	11
										8



Artillery Implements, &c.																Cav-			
Trail Handspikes.	Linstocks.	Tumbrel.	Lead Apron.	Bricole.	Priming Wire.	Haversacks.	Ammunition Boxes.	Port Fire Case.	Thumb Stalls.	Powder Horn.	Sponge and Kammer.	Worm and Ladle.	Sponge Buckets.	Port Fire Clippers.	Set of Harness.	Prolonge.	Horses.	Pistols.	Holsters.
1	4	1	1		2		4			2	2	2	2	2	2		28	28	28
							1				1	1					32	64	32
																	24	48	24
																	35	35	35
																	21	20	20
																	44		
2	2				2		1		1	1	1				1				
1				2			1				1	1							
1			1		1		1		1	1	1	1					32	64	32
1		1			1		2			1	1	1					24	48	24
1	1	1	1		1		1		1	1	1	1							
1	1	1	1	4	2		3	1			1	1			3		37	68	34
2					1		2		2	1	1	1	2		2	2	36	72	36
2	1				1		1				1	1	1						
12	9	23		6	11		17	1	5	7	11	9	5	3	7	2	285	447	262

Alry.					Rifle.			Light Infantry and Infantry.				
Saddles and Bridles.	Valises.	Breast Plate and Crupper.	Cartridge Box.	Sabres.	Rifles.	Powder Horns and Belts.	Bullet Pouches.	Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.
28	28	28	28	28	80	56	56	90	26	26	26	26
32	32	24	20	32	73	73	73	277	277	277	277	277
24	24	24	24		80	50	50	514	515	491	493	537
35	35	35	35	35	67	67	67	80	80	80	80	80
21	20	19	21	20	60	49	49	454	448	432	429	407
44	44	44				95	95	608	608	608	608	608
					112	72	72	530	493	452	461	457
					90	46	46	78	79	2	2	
					80	80	80					
					45	44	45	303	257	263	261	272
								153	152	102	102	104
								328	328	328	328	328
					102	102	101	771	771	735	735	735
					103	100	100	662	663	633	633	633
32	32	32	32	32	80	69	69	90	90	90	90	31
24	24	24	24	24	85	85	85	574	574	574	574	574
					95	95	95	90	90	90	90	90
34	34	34		34				758	758	758	758	758
					59	56	56	562	561	510	511	511
					80	68	68	730	730	678	678	678
								526	533	531	527	532
36	36	36	30	30	104	99	99	90	90	51	51	51
					56	56	56	647	647	647	647	647
					183	183	189					
310	309	300	214	235	1714	1575	1595	9355	9205	8795	8747	8710



Priming Wires and  
Brushes.Spare  
Flints.

Swords and Belts.

## D.

## VERMONT MILITIA.

## GENERAL STAFF.

ADJT. GEN'S. RETURN, 1843.

Priming Wires and Brushes.	Spare Flints.	Swords and Belts.		
26	970	25	Adjutant General,	1
277	554	15	Quarter Master General,	1
493	952	88	Aids de Camp,	4
80	80	17	Judge Advocate General,	1
432	893	46	Majors General,	3
			Division Inspectors,	3
608	1216	25	Judge Advocates,	3
449	446	27	Aids de Camp,	6
2	4	7	Quarter Masters,	3
			Brigadier Generals,	9
			Brigade Inspectors,	9
289	302	14	Judge Advocates,	9
104	112	7	Aids de Camp,	9
328	328	19	Brigade Quarter Masters,	9
735	1470	32		—
633	1266	40	Aggregate,	70
31	62	3		
574	1148	20		
		58		
758	1516	48		
511	939	17		
678	1366	24		
523	1058	15		
151	102	38		
647	1406	84		
8617	16585	689		

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